I know that the gentleman from California (Mr. THOMAS) had proposed limiting to 34 different amendments before we left. Now that we have a unanimous consent agreement for just one evening, I would point out that they are all Republican amendments, and two of the amendments, the Stearns and the Fossella amendment, are nearly identical or are at least pretty similar.

So it does not seem to make any sense to agree to a unanimous consent agreement for one day when, in fact, what we need here is some kind of a commitment and some kind of an agreement in writing that we can have a vote on the substitutes that have been offered here and have that vote before the August recess. I do not think I have to tell my colleagues how long this process has been ongoing over a period of the last several years.

Mr. DELAY. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Regular order would be the reading of the amendments.

Does the gentleman from Massachusetts object to the reading of the amendments?

Mr. MEEHAN. Mr. Speaker, I object to the reading of the amendments. I object to the original request.

Mr. DELAY. Mr. Speaker, reserving the right to object.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. MEEHAN. Mr. Speaker, I objected.

The SPEAKER pro tempore. Does the gentleman from Massachusetts object to the original unanimous consent request also?

Mr. MEEHAN. Yes, Mr. Speaker, I do.

The SPEAKER pro tempore. Objection is heard.

DESIGNATION OF HON. GEORGE R. NETHERCUTT, JR., TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS ON THIS DAY

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 14, 1998.

I hereby designate the Honorable GEORGE R. NETHERCUTT, Jr. to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4104, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–622) on the resolution (H. Res. 498) providing for consideration of the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3682, CHILD CUSTODY PROTECTION ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–623) on the resolution (H. Res. 499) providing for consideration of the bill (H.R. 3682) to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3267, SONNY BONO MEMORIAL SALTON SEA RECLAMATION ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–624) on the resolution (H. Res. 500) providing for the consideration of the bill (H.R. 3267) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study and construct a project to reclaim the Salton Sea, which was referred to the House Calendar and ordered to be printed.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore (Mr. WICKER). Pursuant to House Resolution 442 and rule XXIII, 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. 2183.

□ 1836

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. 2183) 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. SHIMKUS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, pending was Amendment No. 82 by the gentleman from California (Mr. DOOLITTLE) to Amendment No. 13 by the gentleman from Connecticut (Mr. SHAYS).

Mr. THOMAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I asked to rise into the House so that I could propound a unanimous consent request. However, a point of order was reserved and a speech was then made and then objection was heard. Unfortunately, I was not able during that monologue to explain why I offered the unanimous consent, so I am doing so now.

The majority leader has committed that the campaign finance debate will end prior to the August recess. That coincides with the gentleman from Massachusetts' specified dates of somewhere between August 3 and August 7. His complaint was that we do not have a complete agreement in which they have structured it and they have signed off on it.

What I am trying to do as the manager of a bill, if I cannot meet the entire structural agreement, I thought that it would be appropriate to move us along, to at least begin to structure it day by day. What I offered was a structure for today.

Contained within that unanimous consent was a desire to continue to debate this particular amendment by the gentleman from California (Mr. DOOLITTLE) to the substitute by the gentleman from Connecticut (Mr. SHAYS) for 30 minutes. We have consumed far more than 30 minutes prior to my unanimous consent being propounded. I am quite sure we are going to consume far more than an additional 30 minutes.

So I have some difficulty in understanding the argument from the other side in which they continue to make a point without listening.

The majority leader has said, we will finish this debate prior to the August recess. It would seem to me that it would behoove all of us who want to have an orderly process, give a fair opportunity for as many people who wish to enter into the debate as possible, to structure it. What we got was an objection from the other side because we could not structure from today until August. What I was offering was a structure for today. But, clearly, that was objected to.

So if we cannot do it day by day, we must propound something that is going to extend over a long period of time. It just baffles me that the debate that goes on is that we want to move through this in an orderly fashion, but then they object to an orderly fashion being offered for today. If the complaint is it is not everything, why would they object to today? If we can get order for today, maybe we can get order for tomorrow. If we can get order for tomorrow, maybe, working together, we can get order for the entire period.

But they seem to want to make the argument that they want to move forward; and when we try to propose an opportunity to agree to move forward,

they object. That was the reason I tried to offer it, to move us forward under an orderly time frame. I am just sorry that they are more interested in the point of debate rather than the substance of moving forward.

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent to speak for 2 minutes.

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

Mr. THOMAS. Mr. Chairman, reserving the right to object. Does the gentleman now, after refusing to set a structure for orderly debate——

Mr. MEEHAN. Mr. Chairman, I withdraw my unanimous consent request.

Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN pro tempore. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. MEEHAN. Mr. Chairman, what we are looking to do here is try to find an agreement that gets us to a vote. Nobody rationally believes, given the UC agreement that we got on campaign finance reform before we left, that 25 hours of debate on this UC agreement, in order for us to have any chance at all of getting a vote by August, we would have to have at least three-fifths, four-fifths of the amendments that have been proposed withdrawn.

So I will be glad to work all evening to try to find a way to reach an agreement that results in a definite vote, a vote that would take place sometime in the week, the last week we are here, the 3rd through the 7th of August.

And I appreciate the gentleman from California's work on this. I would love to work with him further to get an agreement, but to propose four amendments for tonight, given the fact that campaign finance reform is not even scheduled for the rest of the week and is scheduled for possibly 1 day next week and there is only 2 weeks left after that. So no reasonable, rational person really thinks that we are going to get through 250 amendments by August 7.

Mr. DOOLEY of California. Mr. Chairman, I move to strike the requisite number of words.

Today I rise in strong opposition to the Doolittle amendment. I think, if we really ask ourselves honestly, if we are indeed committed to enacting campaign finance reform, we have to do so in a manner which addresses the greatest loophole which we are currently facing, and that loophole is the one which allows for unlimited amount of funding of issue advocacy ads.

Mr. Chairman, it is somewhat remarkable to me that we have spent a lot of time this year with congressional investigations into what have been perceived as illegal campaign violations. But the sad fact of it is is that one of the greatest problems we face is with legal problems with our campaign system. When we have a system in place that can allow for unlimited sums of money to come in to influence an outcome of an election, unlimited sums of money that can come in without any requirement that the people that are contributing that money be identified, we have a serious problem.

What Shays-Meehan does, it clearly ensures that everybody that contributes to a campaign or to an effort in order to influence the outcome is that we ask them to be identified. We are not saying that we are going to restrict anybody's right of speech. We are saying that everyone has the right to participate; everyone has the right to express their feelings and their concerns about an issue and about a candidate.

But what we are saying also is that the voters of any district, the voters of this country also have a right to know who is trying to influence those elections. And what the Doolittle amendment clearly does, it would undermine that. It would once again allow this loophole to continue, because it would allow printed material and campaign fliers to be mailed out to every household with what could be misleading information about a candidate's position.

And those could be funded by anyone. They could be funded by foreign interests. They could be funded by a criminal interest, and there is no way for the voters of that district and the family in the household in which that mailer went into to know who was behind those and who was trying to influence the outcome. That is the problem.

That is why, in order for us to have any legitimate campaign finance reform, we have to continue to be strong and vigilant in ensuring that people who try to influence the outcome have to disclose who the contributors are.

I would identify just this one chart that I have here. It is somewhat, it seems to me, just inequitable that a person who makes a contribution to my campaign or anyone else's, who contributes in excess of $200, has to include their name, their address, their employer, their occupation, the date of the contribution, the aggregate amount of the contributions that I have received.

□ 1845

But someone who contributes up to $250,000, maybe $1 million, and funnels that through an issue advocacy campaign effort, they are not required to identify themselves. They are not required to identify their address or their employer, even the country they might be coming from.

Mr. Chairman, the American people understand that they want control of their elections. That is what we are trying to achieve here. The only way we will be able to achieve that is by closing the issue advocacy loophole. Doolittle tries to open the barn doors wide open once again, and that clearly is not in the interests of the American people and the interests of having fair elections.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman's point, but what we are doing is here is debating the Doolittle amendment.

I would ask the gentleman, is he for or against the Christian Coalition, the NAACP, or others to be able to offer those kinds of voter guides we have put up as examples?

Mr. DOOLEY of California. Mr. Chairman, I clearly support that right, and the Shays-Meehan legislation is carefully crafted to ensure that voter guides will be able to continue to be published.

Mr. DELAY. If the gentleman will yield further, what about the language in Shays-Meehan that says or offers the opportunity to regulate voter guides when it says that, in context, it can have no reasonable meaning other than to urge the election or defeat of one or more clearly-identified candidates? Is that not a huge loophole that would prohibit the Christian Coalition from offering those kinds of voter guides, say in the gentleman's church?

Mr. DOOLEY of California. Mr. Chairman, as the authors of this legislation have clearly stated, the clear intention of the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) was not to infringe in any way on the ability of the Christian Coalition, the Sierra Club, or anyone else who wants to provide information to the voters which is clearly designed to identify the source.

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Chairman, interestingly enough, the language in here that is the appropriate language is ''expressly unmistakable and unambiguous support for or opposition to one or more clearly identified candidates when taken as a whole and with limited reference to the external events, such as proximity to an election.''

So this is not something that is a reasonable person's standard at all. In fact this is ''expressly, unmistakable, unambiguous.''

Mr. DOOLEY of California. Reclaiming my time, the issue here is very simple: Do we think that the voters of this country have the right to know who is trying to influence them?

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DOOLEY) has expired.

(On request of Mr. MEEHAN, and by unanimous consent, Mr. DOOLEY of California was allowed to proceed for 1 additional minute.)

Mr. DOOLEY of California. Mr. Chairman, the issue is clear, do we believe as a Congress that the voters of the United States have the right to know who is trying to influence the

outcome of an election? Unless we close the issue advocacy loophole, we are not giving the voters that right. We would certainly be doing an injustice to the American people in our efforts to reform campaign law if we do not close the issue advocacy loophole.

Mr. WHITFIELD. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, the gentleman has been discussing our right to know, and on any ad run on television or on the radio there is a disclaimer required, so the gentleman knows the organization that is paying for the ad.

Mr. DOOLEY of California. Let me give the gentleman a real, live example, if I could respond, with an independent expenditure that was issue advocacy on the Coalition for our Children's Future.

They have a board of directors that was in place, and had an executive director that was approached by a party who asked them whether or not they would agree to give blank checks that were signed to a third party, and would also sign an oath of secrecy that they would not disclose the identity of the person that was trying to influence the outcome.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DOOLEY) has again expired.

(On request of Mr. WHITFIELD, and by unanimous consent, Mr. DOOLEY of California was allowed to proceed for 1 additional minute.)

Mr. DOOLEY of California. Mr. Chairman, the point I am making is the disclosure was on the bottom of the ad, Coalition for our Children's Future. But the board of directors of Coalition for our Children's Future did not know who was funneling the money through them.

They also have an executive director that signed basically an oath of secrecy that he would not disclose who was funneling this money in. They also had an executive director that signed blank checks given to this entity that they had signed a nondisclosure agreement with so that they could keep that secret.

This third party entity that was using Coalition for our Children's Future could have been a foreign entity, foreign sources, it could have been criminal sources.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, if it is not a campaign ad, there is no disclosure. You have to have it be a campaign ad in order to require disclosure.

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. DOOLEY of California. I yield to the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Chairman, I think we are ready for a vote on this. Maybe we could move and get a vote.

Mr. BLUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think that we have yet made the point of what happens with these voter guides. I think the problem is that, once again, we come into that problem of jeopardizing freedom of speech whenever we try to achieve some kind of change in the campaign finance system.

Who is going to decide, in context, what is reasonable and what is not reasonable? At what point are they going to decide that? What is the timing going to be in which they decide that? Do they decide that after the organization has had these voter guides printed? Do they decide that after they have been distributed? Do they decide that the day before they are distributed, on the weekend before the election, when it is too late to replace them with whatever the objection was?

Once again, we get right into the whole question of whether or not we want to limit the ability of people to make their points, their freedom of speech points that can be made.

The groups that support the Doolittle amendment and the groups that consider the Shays-Meehan exception for scorecards bogus is a list that just goes on and on and on. Seldom do we see the same groups in agreement that we see in agreement supporting the Doolittle amendment. The ACLU, the National Rifle Association, the Christian Coalition, the National Right-To-Life Committee, all agree that the Doolittle amendment protects their right to express their view of how candidates have voted on issues.

Who is going to decide? I know we are probably tired of seeing this voter guide of our colleague, the gentleman from Iowa (Mr. GREG GANSKE), but the voter guide itself that was handed out said clearly at the bottom that this is a pro-family citizen action organization.

Then if we look at the things they are reporting on, a reasonable person might very well decide that this advocates one of these candidates over another. Because they are pro-family, they are Christian, discussing taxpayer funding of abortion, homosexuals in the military, and we have one question here, promoting homosexuality to schoolchildren, and one candidate is seen as opposing that, and another supports that, I think it is pretty clear with this piece of literature that this group is likely to come down on the side of one of these candidates, even though they do not say that on this literature.

Mr. WHITFIELD. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. I want to just read from the Shays-Meehan language. Their language says, ''. . . words that, in context, have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates.'' Those are two clearly identified candidates.

I think reasonable men and women could have a difference of opinion as to whether or not this is urging the election or defeat of a candidate. Many of these scorecards can. I think the gentleman would agree with me that that could be interpreted to mean you cannot issue these during campaigns. Would the gentleman agree with that?

Mr. BLUNT. Reclaiming my time, Mr. Chairman, I would say that I agree totally. I say that the greater point here is that who is giving the authority to ultimately decide that the FEC or some other location can decide that, in a manner that is very, very disruptive to people trying to freely express their view of the public debate in the country?

If we decide that, are we going to have to get pre-clearance from the FEC? Do we expect the ACLU, the Christian Coalition, the National Right-To-Life Committee, to send in these things in advance? How long does that take? How many things happen after the time they sent their proposed literature in and the time that we would actually want to distribute it that we would in a normal context just simply add before it went to the printer?

We cannot do that because we put this clearance idea in, that somebody has to decide what is reasonable and what is not reasonable. So we have this group of people who are supporting the Doolittle amendment. We have a group of people who consider the exemption we are talking about for scorecards bogus. That includes the American Civil Liberties Union, the American Conservative Union, two groups that do not agree very often on issues; the American Council for Immigration Reform; the Association of Concerned Taxpayers; the Abraham Lincoln Foundation, and the list goes on and on and on.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman being from Missouri, because Missouri just cuts through all the lawyerspeak and gets right to the bottom line.

That is exactly what we have, what we find here. We find a bunch of lawyer language, and that is what we are trying to point out here. It is lawyer language that you can drive a truck through to stop these kinds of voter guides put out by these organizations that every Member that has stood up and opposed the Doolittle amendment has said they do not want to stop.

They claim that because Shays-Meehan has some sort of exemption for voter guides, that that makes it all all right.

The CHAIRMAN pro tempore. The time of the gentleman from Missouri (Mr. BLUNT) has expired.

(On request of Mr. DELAY, and by unanimous consent, Mr. BLUNT was allowed to proceed for 2 additional minutes.)

Mr. DELAY. Mr. Chairman, it is the same organizations that the opponents to the Doolittle amendment say they are trying to save that are supporting the Doolittle amendment.

The whole point here is how in the world, other than taking the Christian Coalition or NAACP or others to court and penalizing them, how in the world are we going to decide what does ''reasonable'' mean, other than going to court and getting a bunch of lawyers together, costing a lot of money, and restricting people's rights to stand up and say, this Congressman's voter record says this, this challenger's voter record says this, you can compare it for yourself and make a decision. It does not advocate the election or defeat of any one candidate.

What it does say, and I think we are just clearing it up, in Shays-Meehan they make an exception for voter guides. We are just saying, fine, but we want to stop the loopholes that you have written in here, and we want to make sure that we are protected in being able to put out voter guides.

Mr. BLUNT. I thank the gentleman from Texas. I would also say that when we put the word ''reasonable'' in the law itself, we really create a barrier to groups who do not want to throw their money away; to groups who clearly cannot spend all their time in court, and who see ''reasonable'' in the law, do not know what that means, decide they really cannot in all likelihood get their message across, so they just believe that their first amendment rights are gone, whether they are truly gone or not.

Who knows what ''reasonable'' means? How is that defined in the law? Are we going to leave that up to the FEC to decide how that is defined in the law?

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I thank the nonlawyer from Missouri for yielding to me.

Mr. Chairman, I would be interested in my colleague's point of view. Would a campaign piece of literature that simply says nothing more than ''Neal Smith is a terrible congressman because he opposed voluntary school prayer,'' is that a voter guide, in the gentleman's opinion?

Mr. BLUNT. The gentleman's opinion may or may not be reasonable.

The CHAIRMAN pro tempore. The time of the gentleman from Missouri (Mr. BLUNT) has expired.

(On request of Mr. DELAY, and by unanimous consent, Mr. BLUNT was allowed to proceed for 2 additional minutes.)

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from California.

Mr. DELAY. Mr. Chairman, I would like to answer this. That is one of the reasons I have a problem with the Shays-Meehan language. They say it exempts voter guides, as long as they present information in an educational manner solely about the voting record on the campaign issue of two or more candidates.

The gentleman is absolutely right. If an organization wants to take on one Congressman and talk about his voting record and send out a voting guide, even if he is unopposed, even if he is unopposed, Shays-Meehan prohibits that from happening.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, my point was simple. If it is a voter guide exemption, make sure it is a voter guide.

The example I have given to the gentleman from California (Mr. DOOLITTLE), the gentleman from Missouri (Mr. BLUNT), and to the gentleman from Texas (Mr. DELAY) is not a voter guide. It says, this candidate is terrible because of his view on this issue. That is a campaign ad. I thank the gentleman for his courtesy in yielding to me.

Mr. BLUNT. In response to my friend, the gentleman from California, the voter guides that include multiple candidates clearly do show the voting record. Those are the traditional voting guides under the law now. I think it is unlikely that that process would continue. I think it is unlikely that those organizations would be able to distribute those guides.

I think the mechanics of putting the guidelines in place as to what was reasonable and what was not reasonable would be so prohibitive that what we are really saying here is that this is not going to happen, because anybody can take a voter guide and decide who that group was most likely for, whether it is the AFL–CIO or the Christian Coalition.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from North Carolina.

□ 1900

Mr. HEFNER. I have heard a lot about free speech, but I have not heard anything that talked about, when you send mailers or what have you, truthfulness. When you talk about somebody's voting record, you take just partial voting records or amendments that were in the committee or what have you and distort them, then do not identify who sent it out, this is absolutely not free speech. You do not stand up in a theater and holler fire.

The whole thing, the Doolittle, in my view, the Doolittle amendment opens it up. If some group wants to get together and say, like happened in my district, we had a mailer that said BILL HEFNER and Mike Dukakis, if you want to kill babies, vote for Mike Dukakis and BILL HEFNER. This is not a voter guide.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Missouri (Mr. BLUNT) has again expired.

(On request of Mr. WHITFIELD, and by unanimous consent, Mr. BLUNT was allowed to proceed for 2 additional minutes.)

Mr. BLUNT. I think there are viable laws that do come into effect here. The Doolittle amendment specifically talks about voter guides. If the voter guide that some group sends out is untruthful, there is recourse in that. I think for the Congress to decide what organizations can say, that is the job of the courts, not the job of the Congress. The first amendment did not give to the Congress the right to determine what was truthful language and what could be said in a free society.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, the gentleman from Missouri goes right to the point of the gentleman from North Carolina. The Shays-Meehan bill is an attempt by incumbents, incumbents, to decide what you say is the truth, not the courts. They want this Congress to decide and set up regulations to regulate people's participation in the process.

We want to get rid of all these uncomfortable ads that are being run against us because I do not like them and they make me uncomfortable. We want to get rid of the opportunities of people to stand up and say, I voted this way or I voted that way and they either like the way I voted or they dislike the way I voted. We want to get rid of all that so that we could be a little more comfortable and limit people's ability to participate in the process. That is what this is all about. The gentleman from North Carolina pointed that out very well.

Mr. BLUNT. Mr. Chairman, I think it is clear that the job of the Congress is not to be comfortable. The job of a Member of Congress is to represent the people of their district and for that, the way they do that, to be an item of public debate.

Certainly, if people make up untruthful things and distribute them, there are laws that govern that, but the Congress of the United States is not in a position to enforce those laws. We are in a position to encourage that some of those laws be passed, though generally those are going to be State laws. We are not in a position to enforce those laws. That is for somebody else.

What we are trying to do here is decide what is reasonable or not. What we are trying to do here is decide what is comfortable or not.

Mr. HEFNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman said you have recourse for suing someone for sending out information that is untrue. But that is really not, an elected official is pretty much immune from being able to sue anybody.

What makes it so bad is in the closing parts of a campaign where the incumbent or the challenger has no way to respond to a negative mailing or, what we have done in broadcasting, we have done away with the fairness doctrine. There is no fairness doctrine anymore. So in my view the Doolittle amendment absolutely opens up a floodgate to let people do dishonest things for their own personal and for their own special interests with no regard for the truth or the consequences of it.

To me, I just think that the Meehan bill, I do not think that we need the Doolittle amendment. I think it does great harm to the work that these men have done over the years.

I think that there is a move to delay this and draw it out until, hopefully, it will die of old age.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, the bottom line to this debate is quite simple. Meehan-Shays does not in any way prevent voter guides from happening. But to assure that there was no question in this Chamber, we made sure that we added a section to make it unambiguous that you can provide for voter guides. The gentleman from California deletes our section which protects voter guides.

The bottom line to this issue is, where you have a campaign ad, including those sham ''issue ads'', then an individual can advertise under the campaign laws. It is bogus, it is wrong, it is totally incorrect to suggest that people do not have a voice. They have a voice outside the campaign law through using voter guides and other non-campaign activity. And they have a voice inside the campaign law by abiding by the same rules as everyone else. They have freedom of speech. We limit what people can raise. We do not limit what they can spend.

And any individual who wants to run an ad on their own can do so as long as it is not coordinated. Coordinated expenditures become campaign ads. But our Supreme Court has made it very clear that individuals cannot be limited on what they spend.

What you are hearing tonight is a bogus debate on the part, in my judgment, of the gentleman from California (Mr. DOOLITTLE) to suggest, one, that we do not allow these. We do allow them. We make it clear. First, we do not forbid them; and, secondly, we make it clear that they are allowed.

Secondly, I would like to take this time, if the gentleman would allow me to proceed, to say that Republicans who received the House Republican conference floor prep were given a very misleading statement about what the Doolittle proposal does and what Meehan-Shays does. I urge my colleagues to totally discount this very inaccurate statement put out by my own Republican Conference.

I thank the gentleman for yielding to me.

Mr. WHITFIELD. Mr. Chairman, I move to strike the requisite number of words.

The SPEAKER pro tempore. Without objection, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WHITFIELD. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. WHITFIELD. Mr. Chairman, if I have not spoken before and I move to strike the last word, can Members object to that?

The CHAIRMAN pro tempore. The fact that the gentleman offered a pro forma amendment, the Doolittle amendment on the 19th on his own time requires him to ask unanimous consent.

Mr. WHITFIELD. I thank the Chair.

Mr. Chairman, I think the real concern that we have today, the crux of this issue of the debate that we are really talking about today, gets down to this definition of express advocacy. The Supreme Court has consistently and very clearly said that express advocacy is language that explicitly requests the defeat or the election of a candidate. And if it says that, if the ad says that, you must use hard money. And that is money regulated by the Federal Election Commission.

The gentleman was correct. Any wealthy individual, a multimillionaire can go out any time they want to and buy an ad, and that is an independent expenditure. They can expressly advocate the defeat or the election of a candidate.

What we are talking about today is issue advocacy; and these are the many organizations around our country, the thousands of organizations that may want to participate in the political system. The Supreme Court has made it very clear that that is, goes to the very core of a democracy, of the right to speak about issues in an election.

What this bill does is it makes it unclear about what can and cannot be done. That is a chilling of the first amendment right of political free speech.

Now, the gentleman from Massachusetts, one of the cosponsors of this bill, read from paragraph 3 of express advocacy; and he said:

> 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.

Now, reasonable people can have different views about what is and what is not, taken as a whole means this or means that. But the point that I would make, the Supreme Court has already ruled half of that language as unconstitutional in the FEC versus Maine Right to Life case. It has already been ruled unconstitutional, this language that is in this bill. Yet they still want to proceed with it.

In addition to that, they go on and further complicate it by saying that if one of these voter guides urges the election, if words that are in context can have no reasonable meaning other than to urge the election or defeat of a candidate, then it cannot, it is not covered under this exception. And these voting guides have, different men and women have differences of opinion about what they are urging and what they are not urging.

The thing that is so disturbing about the Shays-Meehan bill is that it does nothing about the election money spent by candidates. It does nothing about independent expenditures spent by wealthy individuals, but it shuts the door to all sorts of organizations, if they violate the definition of express advocacy as determined in this bill.

Any ad run 60 days within an election is express advocacy. It has to be hard money. So, in essence, what we do with this language is that we allow the Federal Election Commission to determine who can speak, what they can say and when they can say it.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. WHITFIELD. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, when the gentleman says shut the door, I wish the gentleman would clarify what he is saying. If it is, in fact, a campaign ad, it is true it comes under the campaign law. It means that people can raise money and advertise. They still have a right to advertise, they just come under disclosure rules and contributions limits. But they can spend as much as they raise.

Certainly the gentleman would not suggest that the Christian Coalition National Right to Life Committee, the National Rifle Association or any other group would have any trouble raising money and spending. They simply would, for the first time, have to disclose campaign ads.

Mr. WHITFIELD. They would have to go through all the process, the complicated process, the legal process of filing a political action committee, setting up a political action committee, forming all kinds of reports. And that is a chilling effect. We live in a democracy where groups and individuals can talk about elections whenever they want to. And the Supreme Court has consistently said that the only thing that is express advocacy is if you expressly urge the defeat or the election of a candidate. And you all are broadening this so broad that, as the gentleman from Missouri said, you would almost have to go to the FEC in advance and get their permission for running the ad.

I think that is the part of this that disturbs us and the reason that we are supporting the gentleman.

The CHAIRMAN pro tempore. The time of the gentleman from Kentucky (Mr. WHITFIELD) has expired.

(By unanimous consent, Mr. WHITFIELD was allowed to proceed for 2 additional minutes.)

Mr. WHITFIELD. Mr. Chairman, the reason that we are endorsing the gentleman from California's amendment is that he, in essence, returns to the original Supreme Court language here. Basically, there will not be any question about it. That is really what this is all about.

I realize that Shays-Meehan is a good-intentioned bill with all the best ideas that they can come up with. But the fact is it places so many things to interpretation, and the ultimate interpretation is going to be made by a group of commissioners at the FEC who are appointed by a President, and they have their political views.

And so everybody else in America may be, the door may be closed unless they want to go through all this complicated procedure of filing reports and establishing political action committees and hiring election lawyers and doing that.

Ms. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. WHITFIELD. I yield to the gentlewoman from Michigan.

Ms. RIVERS. Mr. Chairman, when the gentleman from North Carolina (Mr. HEFNER) a few minutes ago raised the issue of honesty in ads, there was quite a lot of discussion about that. The argument was that courts could determine the honesty of particular ads and the appropriateness of particular ads relative to libel. Who appoints Federal judges?

Mr. WHITFIELD. Well, Mr. Chairman, I did not make that argument. The President, I think, still appoints them.

I might also add, if the gentlewoman wants to come up with an amendment on truth in advertising for political ads, I would be the first to support it.

Ms. RIVERS. Mr. Chairman, if the gentleman will continue to yield, I am responding to the comments from that side of the aisle a few minutes ago that certainly presidential appointees were capable of making decisions in an electioneering context, and so I do not think it is reasonable to argue on one hand that presidential appointees are inadequate and on the other that they are perfectly adequate. One cannot have it both ways.

Mr. WHITFIELD. Mr. Chairman, my point is that this is the core of our democracy, being involved in political elections. And who can speak and who cannot speak and who determines what they can say and what they can spend, that is okay for candidates. I understand that. That is okay for individuals who are wealthy.

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The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Kentucky (Mr. WHITFIELD) has again expired.

(On request of Mr. DOOLITTLE, and by unanimous consent, Mr. WHITFIELD was allowed to proceed for 2 additional minutes.)

Ms. RIVERS. If the gentleman will continue to yield, I wish to ask him about the current system, because right now we have a series of categories that activities fall within. If we are engaged in an independent expenditure, for example, we must meet the criteria and we cannot step out of that.

Mr. WHITFIELD. We do not have to abide by any FEC law.

Ms. RIVERS. To do an independent expenditure? If we work with the campaign of the individual.

Mr. WHITFIELD. The gentlewoman did not say coordinate it.

Ms. RIVERS. That is what I was trying to say, is if we step outside of the law as it exists regarding independent expenditures, it is the FEC who enforces that; is it not?

Mr. WHITFIELD. Of course, if it is coordinated. But a wealthy individual can go out and run an ad.

Ms. RIVERS. The point I am making is that there are laws that currently exist that regulate the behavior we are discussing here. And if one steps outside of that behavior it is the FEC who enforces those laws. They have done it for years and years and years.

Mr. WHITFIELD. Mr. Chairman, I will reclaim my time.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

Mr. WHITFIELD. I yield to the gentleman from California.

Mr. DOOLITTLE. The gentleman from Connecticut (Mr. SHAYS) indicated my amendment was bogus, but I thought it was interesting that these organizations all consider his so-called exemption for scorecards bogus: The American Civil Liberties Union, the American Conservative Union, the National Right to Life Committee, the National Rifle Association, the National Defense Foundation, amongst many others, the National Legal Policy Center.

Would the gentleman agree that their wording actually makes ambiguous what is now clear and unambiguous in the present law?

Mr. WHITFIELD. Yes, it does. It makes it ambiguous. And reasonable men and women can differ as to what is and what is not allowed.

Mr. DOOLITTLE. Whereas now that is clear. If we do not use certain words, it is clearly beyond the purview of Federal regulation. Now everything is arguably within the purview.

Mr. WHITFIELD. The Supreme Court has made it explicitly clear time and time again. And now we are going to, in my view, make the system much more complicated, much more difficult, and I think we will see less political participation than we would without this legislation.

Mr. DOOLITTLE. And that is the design.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

I rise as author of one of the major campaign finance reform bills, a comprehensive cleanup bill, and it contains the same measure in it that Shays-Meehan does. Therefore, I rise to oppose the amendment that is being offered.

This amendment really does not make any reform. It does not clean up anything. It takes the law back to what it is today, and that is not progress. So this amendment is really not about voter guides, it is really about special interest money remaining in politics. The Doolittle amendment, by removing the express advocacy language, maintains the status quo, it means that multi-mega-million dollar campaigns are not run by politicians nor by political parties but can be run by very special interests.

So where in this amendment is the reform? How does maintaining the status quo get us further ahead? In this whole debate, of all the 11 bills that have been brought to the floor by the Committee on Rules and these series of amendments, are all supposed to end up with the law in better shape after we have addressed it than it is today. This amendment does not do that. If adopted, it offers no change.

I think that sometimes these amendments can be classified as red herrings, to really divert our attention from the real issue here, which is how do we stop the money madness that is in campaigns? How do we bring money out of campaigns and really get down to where people are talking to people, not just buying words and buying fancy television ads? Certainly this amendment is not the answer.

Mr. Chairman, I support reform and I am urging strong defeat of the Doolittle amendment. And if there are no other speakers, Mr. Chairman, maybe we ought to move on.

Mr. METCALF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to clear up one point. A previous Speaker stated that there are laws to prevent falsehoods used in ads or campaigns. I have had a lot of experience in campaigns, and to set the record straight, there are no enforceable laws to prevent untruth or even blatant falsehoods in campaigns.

Today, it is not really legal to lie about an opponent in a campaign, but there is no enforcement and, though illegal, no punishment possible. So it happens frequently in political campaigns and I wanted to just clear up that point.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am really excited about this debate. I think the American people are really starting to understand what this is all about. This is incumbent protection. This is incumbent comfort. This is making sure that incumbents do not have people out there running around talking about their voting records, making them uncomfortable. This is basically about people's freedom of speech.

I rise in support of the Doolittle amendment because I am not afraid of someone talking about my voting record. I am not even afraid about people going out and running voter guides that distort my voting record. I think that is part of the process. Unfortunately, it is the dirty part of the process. It is a part that makes people very cynical about the process, but it is part of the process.

I feel very strongly that a vote for the Doolittle amendment is a vote for the first amendment. This is very critical. A vote against the Doolittle amendment is a vote to ban voter guides distributed by citizens' organizations, whether they be in union halls or churches or on the internet. I really believe that. Because they have written in lawyerese that creates loopholes that we can drive a truck through and stop voter guides.

Every year thousands of national, State and local organizations, like the Christian Coalition or the NAACP or, as we show here, the ACLU, they publish voter guides comparing elected officeholders on issues of interest to these organizations' memberships. Now, I doubt if there are many in this body who would openly question the right of these groups to make those comparisons, but without this amendment, the Doolittle amendment, Shays-Meehan would threaten, I believe, the ability of these groups to publish and distribute these kinds of voter guides.

Supporters of Shays-Meehan claim that there is a voter guide exemption in their bill. But if we take a closer look at it, at this so-called exemption, it shows that voter guides, such as the NAACP's voter guide, in my opinion, would be banned or, at the very least, regulated by bureaucrats in the Federal Government. The so-called exemption in Shays-Meehan requires a voter guide that talks about the position of one candidate being banned or regulated by the Federal Government. Under Shays-Meehan, a voter guide characterizing a candidate as pro life or pro choice or any other commentary describing a candidate as a civil rights hero, as the NAACP does, would be banned or regulated, in my opinion.

Under the Shays-Meehan exemption, groups could be punished, punished, if after the fact bureaucrats decide that their voter guides or their scorecards were not written in an ''educational manner''. Decided by ''educational police''? I do not know. Under the Shays-Meehan exemption, a scorecard cannot contain words, ''that in context can have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates.''

Now, this language would prevent the ACLU from distributing a voter guide that highlights Members of Congress who have a 100 percent ACLU voting record as members of an ''ACLU honor role''. They cannot say things like that because that is advocating defeat or election of a candidate, or it could be construed as such under the Shays-Meehan language.

It also prevents the NAACP from calling a Member of Congress a civil rights hero. For example, last month, the NAACP president Kweisi Mfume, former member of this body, released the organization's annual legislative report card on the 105th Congress at a news conference on Capitol Hill. He said, ''As the report card circulates through our branches, it will be used in a nonpartisan fashion to punish those with failing grades and reward our heroes.'' Guess what? Under Shays-Meehan, they could not circulate that kind of report for that kind of purpose.

The Doolittle amendment, I think, would allow groups that post their voter guides and scorecards on the internet to continue to do so, groups like the Americans for Democratic Action, not exactly friends of mine; the ACLU. How about the National Organization of Women? Not exactly my best supporters. They all carry scorecards on their web sites.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DELAY) has expired.

Mr. DELAY. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. CAMPBELL. Reserving the right to object, Mr. Chairman, would the gentleman at some point yield to me during those 2 minutes?

Mr. DELAY. If the gentleman will yield, I said I would, and I would be glad to.

Mr. CAMPBELL. I am looking forward to it.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DELAY. Mr. Chairman, without the Doolittle amendment, the scorecards will have to be removed from the web sites.

Now, make no mistake about it. A vote against the Doolittle amendment is a vote for banning voter guides and scorecards and the Shays-Meehan voting guide exemption is no exemption at all. They may think it exempts, but if we read the language, we can see, and I am not even a lawyer, but I know how I can get through this language and stop a voter guide in a very easy fashion.

The Shays-Meehan bill would impose a chilling affect on the distribution of material that reports on our votes and where we stand on the issues, and the Doolittle amendment protects these voter guides. Nothing in the Shays-Meehan exemption, in my opinion, does. And I just urge my colleagues to vote for the first amendment by voting for the Doolittle amendment.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I thank the distinguished whip. I really have two brief points and I would appreciate his response to them.

First, does the distinguished gentleman have an objection to requiring that a group that puts out a guide, such as the one by his side, that we know who contributed the money that paid for it?

Mr. DELAY. Yes, I have an objection.

Mr. CAMPBELL. Let me understand the gentleman. He does not believe the citizens of this country have the right to know who pays for an advertisement in a campaign of that nature?

Mr. DELAY. No, because we have experienced—if we believe in the Constitution and the right of people to petition their government, whether it be by writing a petition or talking about my voting record or however they do it, the point is that if we believe in the Constitution and the people having a right to petition their government, then we do not want the government to be able to go and punish these people.

And we have seen time and time again, whether it be the NRA or NOW or others, people that belong to these organizations that want to express themselves are persecuted, in some cases oppressed by their enemies by being able to reveal their names. I do not know why we would want to get at them. Why does the gentleman want to get at them?

Mr. CAMPBELL. If the gentleman will continue to yield. As I understand the logic of the gentleman's position, then, he would never require any disclosure of who is behind funding campaigns?

Mr. DELAY. Not at all.

Mr. CAMPBELL. Not at all?

Mr. DELAY. Absolutely not. Not at all. I am all for the Doolittle substitute that brings full disclosure, full disclosure of people participating in campaigns. Not talking about issues.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DELAY) has again expired.

(By unanimous consent, Mr. DELAY was allowed to proceed for 2 additional minutes.)

Mr. DELAY. Mr. Chairman, I am not advocating issues. Yes, I want my constituents to know who is giving me money to be used in my campaign and how I am spending it. Absolutely. They have the right to know, not some Federal bureaucrat in Washington, D.C.

Mr. CAMPBELL. In a previous colloquy, I believe the gentleman granted that the loophole that is being proposed by the gentleman from California (Mr. DOOLITTLE) would allow an ad that says, ''Neil Smith is a terrible Congressman because he opposed voluntary school prayer.''

Mr. DELAY. No, no, no. I want to correct the gentleman's premise. It would allow a voter guide, a piece of paper or on the internet, a voter guide that lists the votes and the issues and positions that a Congressman has taken.

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If they happen to say that he is a bad congressman because he took a position against their position, I know that is uncomfortable, but they have every right to say that.

Mr. CAMPBELL. Mr. Chairman, I appreciate the courtesy of the gentleman. He has been very kind in yielding to me.

I will only conclude by saying that it is a remarkable position that the gentleman would not want to have disclosed for the light of day who is behind ads that in every respect are the same as campaign ads, listing the name of a candidate, and providing a commentary regarding that person's performance in office. Such an ad that does not even mention another candidate, just that one candidate, is exempt from disclosure.

I repeat. I appreciate the gentleman's candor. It is his position. I just disagree with it.

Mr. DELAY. Mr. Chairman, reclaiming my time, the gentleman is absolutely right. And that is the debate over Shays-Meehan. Shays-Meehan and the gentleman from California want to shut down people's right to talk about issues and positions of people that are participating in the process. That is one issue.

The other issue that the gentleman is talking about is campaigns. Campaigns, they do not have hidden agendas running around in campaigns. They are giving money to me to participate in a campaign. The two are not supposed to cross. In fact, even in Shays-Meehan they talk about the two are not supposed to cross.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Texas (Mr. DELAY) has again expired.

(By unanimous consent, Mr. DELAY was allowed to proceed for 2 additional minutes.)

Mr. DELAY. We have the opportunity to make sure that they do not cross, and it is against the law to do so. The Supreme Court has upheld our position. That is why the Doolittle Amendment reflects and almost quotes the Supreme Court decision.

Mr. WHITFIELD. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, there are two sides of this. Do the American people have the right to know about these issue advocacy ads and who pays for them? But second of all, on the other side, my colleague mentioned the point, the person who makes the contribution. And the Supreme Court has already declared that individuals have a right to privacy.

In the NAACP versus Alabama case in 1958, they say that privacy and group association is indispensable to the preservation of our system of government; and so what this bill is trying to do is making these people also tell who is giving money and so forth.

Mr. DELAY. Mr. Chairman, reclaiming my time, would it not be interesting that the NAACP would have to disclose who belongs to the NAACP and who is supporting the NAACP to the exposure to whom? Would it not be interesting some of the hate groups out there that would love to know who supports the NAACP and would like to? But the gentleman from California, Shays-Meehan, wants everybody to know it and wants to lay it out there for everybody.

I just find that just really frightening that they not only want to step on our right and freedom of speech, but now they want to step on our right of privacy. I think this is what this is all about is those kinds of freedoms.

Mr. LEVIN. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Michigan.

Mr. LEVIN. My colleague heard us read the ad that was used in the campaign against the gentleman from Iowa (Mr. GANSKE) in 1996. Was that a campaign ad?

Mr. DELAY. Reclaiming my time, I am not sure exactly the one the gentleman is referring to. The voter guide?

Mr. LEVIN. Mr. Chairman, if the gentleman would continue to yield, the Doolittle Amendment goes way beyond voter guides.

Mr. DELAY. No, it does not. The gentleman is wrong.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. DELAY) has again expired.

Mr. LEVIN. Mr. Chairman, I ask unanimous consent that the gentleman from Texas (Mr. DELAY) has 2 additional minutes.

Mr. SHAYS. Mr. Chairman, I object. The gentleman has had 11 minutes, and I object.

The CHAIRMAN pro tempore. Objection is heard.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have had the pleasure to work with many Members who are legitimately concerned about campaign reform. I especially want to commend the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) because they worked on it before I arrived and they are still working on it. And that is very important that I state that because I think what they have done is come a long ways to finally have this debate on the floor.

I support the base purpose of the Shays-Meehan bill, and very likely should we deal with the voter guide issue to support the final bill. The base issue is to stop laundering money from one source to another and eliminate soft money and undisclosed contributions.

So what we have is a base bill that says, and it offends some of the groups, liberal and conservative, that no longer can this tobacco company or group give $5 million to one of the parties and have it divided up and be given to one of these conservative groups in most cases as last year, could have been liberal the year before, and then it comes out with a new voter guide because that tobacco company is really after somebody and they cannot come through the front door.

That is what this bill does. Soft money, which is hiding money, laundering money, is a corrupting force. I know there are many of the same groups that will fight it on the voter guide issue, but really they have started getting other sources of money through the two parties as soft money and large amounts of soft money.

But today, if we want to move this forward, we have to think about how to get it through the Senate, too. One of the biggest oppositions that we have is voter guides. Now, the amendment to Doolittle, it does not go far enough for me. I think that we could have done better; and, as always, we always think we can individually on this floor. But the reality is it did something that makes sense.

Now, is it perfect? No. But it said we are not going to focus on people and their voter guides, which by the way has to go, passed out, read, digested, they take some work, they are true grassroots politics. We are going to focus on the big batches of big money, TV and radio. That is still in here. When he amended the Doolittle Amendment, when he amended it, he brought it to voter guides only.

Now, yes, I have heard the debate. I have been listening to it for some time. And is it perfect? No. I would have a tendency to agree with some of the concerns that the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS) have and the gentleman from California (Mr. CAMPBELL). But, on the other hand, do we want to pass a bill in the Senate or do we want a debate?

Unfortunately, a lot of posturing is because we all kind of like a debate but we really do not want to change behavior. Soft money being eliminated, this bill passed will eliminate the ability to launder money.

So I am standing here saying that it is not perfect, but eliminating micromanaging of the voter guides is something that, if we do that and we still have the rest of the bill, that we have taken away a lot of the complaints. And then they are just going to have to go back and say, really, we did not like the bill because we wanted to launder money. We liked the soft money being laundered to our groups, and we never had so much money before we found this loophole coming to our groups to fund our staff here in Washington, D.C., and our other activities. And all of a sudden we can fund voter guides through soft money because we got a million, 4 million, whatever, through soft money.

This removes the smoke and gets to the base issues of the most important and most corrupting. And I would advise that we vote for this amendment

as amended even if it is not perfect, because then we can get to the real problems, and that is the huge TV buys, the huge radio buys, the laundering of money. And we can get about cleaning up the Senate and have something we can give to the Senate that also removes their objections and gives to them something and not just say, no, we do not want to clean up the system. We just want to have the debate.

Please vote yes for the Doolittle Amendment.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, it has been a long night. We debated this for a couple hours before we left on the break, and we also have debated it another couple of hours.

There are a lot of Members here, Republican and Democrat, both sides of the aisle, who have worked diligently over a period of years to try to get this bill to the floor. We have before us an amendment that claims to want to do something about voter guides. I have worked on this legislation for years with the gentleman from Connecticut (Mr. SHAYS) and others who are in this Chamber.

We carved an exemption for voter guides. We do not need this particular amendment. We have an exemption in the amendment. There are times this debate has been an outstanding debate. The gentleman from California (Mr. CAMPBELL) in particular I would cite for his lawyerly and scholarly articulation of what the Shays-Meehan bill does with regard to voter guides.

But this is not about voter guides. This is about whether or not the other side is going to try to defeat this bill. So let us have an up or down vote now. And I urge my colleagues, if they are for campaign finance reform, vote no on the DeLay-Doolittle Amendment. The amendment is not needed, and all it serves to do is to defeat ultimately campaign finance reform.

So I would urge Members to vote no on the DeLay-Doolittle Amendment. I would urge us to move forward on this debate and have a vote.

Mr. WICKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, there is clearly a major difference of opinion about the Shays-Meehan bill and what it does. And those of us who have taken the floor in opposition have opposition for very principled reasons. They support it for principled reasons. But I think one thing is clear that they basically, by the wording of their bill, are going to wipe out the voter guides.

That is why we have got about four dozen organizations spanning the whole ideological spectrum, from the American Civil Liberties Union to the American Conservative Union and everything in between, claiming that this so-called exemption for voter guides in Shays-Meehan is ''bogus.'' And it is bogus. It is bogus because it deliberately blurs the bright line that the Supreme Court handed down in the famous Buckley case in which it has been repeatedly reaffirmed.

When we read that case we see why they gave us a bright line, because it is very difficult to separate issue discussion from advocacy of election or defeat of a candidate. They did not want to chill free speech. That is why they gave us the bright line. That is why they said we had to be clear and unambiguous in urging the election or defeat of a candidate, using words such as ''elect'' or ''defeat'' or ''support'' or ''oppose'', et cetera. Shays-Meehan, basically in the name of good government, subverts the first amendment.

What could be more clear than the first amendment, which says Congress shall make no law abridging the freedom of speech? They abridge the freedom of speech, and they do it and justify it in their own minds because they think speech needs regulation.

The Founders thought it was too important to be regulated. That is why we fought the American Revolution, and that is why we have a written Constitution with that express provision in it. That is why all of these groups that do voter guides, which is the most grassroots form of activity there is, are urging my colleagues to support my amendment to this bill.

I think it is a bad bill, and I will oppose the bill with or without the amendment. But at least the amendment preserves the integrity of the voter guide system and allows these groups, which many Americans are members of, to go ahead and disseminate the information and not be called into question. Which one of my colleagues would want to have the threat of hiring attorneys, being subjected to months of publicity and spending $400,000 or $500,000 to defend what their own constitutional rights already are?

That is what this amendment is about, to make it clear and unambiguous, and that is why I urge my colleagues to support my amendment.

Ms. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I listened tonight, the debate went back and forth, and I kind of had this feeling of being familiar with the debate but not know knowing what it reminded me of. And as I was sitting here thinking, I realized it reminded me of some of the children's stories that I used to read to my kids when they were little and it really had a Dr. Seuss-like quality to it. So as I was listening to the debate, I wrote down a few little comments. It goes like this:

The cat in the hat caused trouble, it is clear. But nothing compared to the trouble right here. The cat was persuasive, as smooth as they come. He convinced those two kids to do things that were dumb. He urged them. He spun them. He did his best to distract. Sort of like this amendment we are told to enact. It is easy to think that the Constitution is on trial. This argument would surely make the cat smile.

Like the cat in the hat, with good tricks at his command, this amendment is all about slight of hand. A loophole exists, it is known far and wide. But the cat in the hat is laughing inside. He laughs at the law. He does not like rules. As a matter of fact, he thinks rules are for fools. It is time to say no, to send the cat on his way, to close off the loopholes and start a new day.

No cards are at stake, no genuine guide. It is only the cheaters who are trying to hide. Vote no on this choice, or surely you will find the same sort of mess that old cat left behind. Say no, say it clear. And with some good luck, we will label what waddles and quacks a duck.

Mrs. ROUKEMA. Mr. Chairman, I rise in opposition to the Doolittle amendment and in strong support of the language in the Shays-Meehan substitute that protects voter guides.

Let's look at current law. Under current law, any group can pay for a printed voter guide with unrestricted funds as long as that voter guide does not contain ''express advocacy''—that is, that the voter guide does not urge the defeat or election of a particular candidate.

The Shays-Meehan substitute does not change this.

What it does do is clarify that ''express advocacy'' is not limited to the use of the so-called ''magic words'' such as ''vote for'' or ''vote against'' or ''defeat'' or ''elect''. Express advocacy would also include phrases that indicate ''unmistakable and unambiguous'' support for or opposition to a candidate.

What does all this mean? It means that under Shays-Meehan, any organization may continue to use unrestricted funds for any voter guide or voting record at any time during the election cycle as long as it does not contain express advocacy and as long as it is not prepared in coordination with a candidate or a party committee.

Let me repeat that.

Under Shays-Meehan any organization may produce any voter guide at any time as long as it is not coordinated with a candidate or a party and contain express advocacy.

Why is this important? Because it makes it very clear that voter guides are already protected and that veil of protection will not be changed by Shays-Meehan.

What would Shays-Meehan change? It would change the way sham, secretly-funded campaign ads have come to dominate our electoral process.

Let me draw your attention to a recent U.S. Senate race in the State of New Jersey. Two of my State's more famous public servants were seeking election and our airwaves were jammed with so-called ''educational'' issue ads. The subjects of this avalanche of ads were crime, and Medicare, and Social Security, etc. And they tracked nearly identically with the platforms of the two candidates.

But you know what? They were so-called independent ads run by so-called independent

groups and developed totally independent of a campaign or a party.

In some cases, they were paid for by soft money. In some cases, they were paid for by secret donors. In every case, they were undeniably campaign ads. (I would also add that in most cases they made the voters of New Jersey even more cynical and disheartened by the political process.)

Mr. Speaker, in Shays-Meehan, we are trying to end this disgraceful trend toward sham campaign ads—the kind of campaign ads that make the American people even more cynical.

My colleagues from Texas and California (Mssrs. DELAY and DOOLITTLE) say their amendment creates a ''carve-out'' for printed voter guides.

This carve out is not necessary.

The Shays-Meehan amendment already protects voter guides. The Doolittle-DeLay amendment would go much farther. It guts the issue advocacy provisions of Shays-Meehan that will reign in sham campaign ads that masquerade as ''educational'' or issue-oriented.

I thank Mssrs. DOOLITTLE and DELAY for adding to this debate. But I submit that their amendment is not necessary. Shays-Meehan protects voter guides. Shays-Meehan attacks secret, sham campaign ads.

□ 1945

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent that the debate on the amendment, as modified, offered by the gentleman from California (Mr. DOOLITTLE) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) be limited to the time already expended.

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

There was no objection.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from California (Mr. DOOLITTLE) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 219, not voting 15, as follows:

[Roll No. 275]

AYES—201

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bateman
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fossella
Gekas
Gibbons
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOES—219

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Obey
Owens
Pallone
Parker
Pascrell
Pastor
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—15

Baesler
Deal
Engel
Fowler
Gonzalez
Hilleary
John
McDade
McNulty
Olver
Payne
Rush
Stark
Yates
Young (AK)

□ 2007

Mr. GALLEGLY and Mr. LAZIO of New York changed their vote from ''aye'' to ''no.''

Messrs. GUTKNECHT, EWING, CHAMBLISS, WATT of North Carolina, MURTHA, COSTELLO, COBURN and BACHUS changed their vote from ''no'' to ''aye.''

So the amendment, as modified, to the amendment in the nature of a substitute, was rejected.

Mr. THOMAS. Mr. Chairman, I know that certainty is valued highly by this body, and in an attempt to provide a degree of certainty, I move that debate on the amendment offered by the gentleman from Connecticut (Mr. SHAYS) and the following six amendments thereto, if offered by the following Members: First the gentleman from New York (Mr. FOSSELLA); second, the gentleman from Mississippi (Mr. WICKER); third, the gentleman from Florida (Mr. STEARNS); fourth, the gentleman from Mississippi (Mr. PICKERING); and, fifth, the gentleman from Texas (Mr. DELAY), be limited such that no amendment may be debated for longer than 40 minutes.

The CHAIRMAN pro tempore. The motion is not debatable.

The question is on the motion offered by the gentleman from California (Mr. THOMAS).

The motion was agreed to.

Mr. MEEHAN. Mr. Chairman, I demand a recorded vote and, pending that, make a point of order that a quorum is not present.

The CHAIRMAN pro tempore. The gentleman was on his feet and is entitled to be recognized.

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent to speak out of turn for 30 seconds.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MEEHAN. Mr. Chairman, it would be my hope that in order to expedite things here, we would be able to come to an agreement on limiting debate, but at this point, that we could roll votes until tomorrow on any amendments that we take up, and I would ask that we amend the gentleman's unanimous consent request so that votes will be rolled until tomorrow.

Mr. THOMAS. Mr. Chairman, if the gentleman will yield, I would tell the gentleman that it was not a unanimous consent request, because the gentleman objected to a unanimous consent request.

Mr. MEEHAN. Mr. Chairman, I am asking for unanimous consent.

Mr. THOMAS. Mr. Chairman, we moved this measure. It seems to me, given the time, it would be appropriate, since it is only 40 minutes, that we debate and vote on the motion that the Chair was going to recognize, the Fossella amendment, and, if we moved to any others, we would roll the other votes.

Mr. MEEHAN. Reclaiming my time, what my request of the leadership would be is that I am suggesting we would agree to limit debate, but let us make the last vote the last vote of the night, and then come back tomorrow. It is a reasonable request. It is 8:50 at night.

PARLIAMENARY INQUIRY

Mr. THOMAS. Mr. Chairman, I have a parliamentary inquiry. Is the gentleman from Massachusetts (Mr. MEEHAN) propounding a unanimous consent request?

Mr. MEEHAN. Yes.

Mr. THOMAS. Mr. Chairman, I did not understand that to be a unanimous consent request.

Mr. MEEHAN. I make a unanimous consent request.

The CHAIRMAN pro tempore. The Chair has the authority to postpone all requests for recorded votes on amendments. The Chair will take under advisement the question of whether to postpone votes.

Mr. THOMAS. Mr. Chairman, my understanding was the gentleman from Massachusetts offered a unanimous consent request, is that correct?

Mr. MEEHAN. Yes, the gentleman is correct.

Mr. THOMAS. Does the Chair understand that the gentleman from Massachusetts (Mr. MEEHAN) offered a unanimous consent request, the content being there be no more votes on any amendments tonight? Is that my understanding of the unanimous consent request?

□ 2015

The CHAIRMAN pro tempore (Mr. SHIMKUS). The Chair has not entertained that request because the Chair has the authority to postpone recorded votes under the rule adopted by the House.

PARLIAMENTARY INQUIRY

Mr. LEVIN. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LEVIN. Mr. Chairman, I would say to the gentleman from California (Mr. THOMAS), it is my understanding, and tell me if I am correct or not, that the Chair has the authority, and the gentleman from Massachusetts (Mr. MEEHAN) has the right to request that there be unanimous consent that there be no more votes tonight, and the gentleman from California (Mr. THOMAS) has the right to reserve and comment on whether that would be agreeable, in which case I think we could avoid another vote on the gentleman's motion and finish the vote for tonight and go on with the debate.

Does not the gentleman from Massachusetts (Mr. MEEHAN) have the right to move that, even though the Chair has the right to postpone votes at his discretion?

The CHAIRMAN pro tempore. There is no right to move to postpone a vote in Committee of the Whole, and the Committee of the Whole cannot alter an authority conferred by the House.

AMENDMENT OFFERED BY MR. FOSSELLA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. FOSSELLA. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment Offered by Mr. FOSSELLA to Amendment No. 13 in the nature of a substitute offered by Mr. SHAYS:

Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. PROHIBITING NON-CITIZEN INDIVIDUALS FROM MAKING CONTRIBUTIONS IN CONNECTION WITH FEDERAL ELECTIONS.

(a) PROHIBITION APPLICABLE TO ALL INDIVIDUALS WHO ARE NOT CITIZENS OR NATIONALS OF THE UNITED STATES.—Section 319(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)(2)) is amended by striking ''and who is not lawfully admitted'' and all that follows and inserting the following: ''or a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contributions or expenditures made on or after the date of the enactment of this Act.

The CHAIRMAN pro tempore. The Chair will recognize 40 minutes of debate evenly divided by the gentleman from New York (Mr. FOSSELLA) and a Member opposed.

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent to speak out of turn for 30 seconds to clarify the schedule.

The CHAIRMAN pro tempore. The gentleman already has 20 minutes in opposition to the amendment.

Mr. MEEHAN. But I want to know if this is the last vote and if we are going to roll it until tomorrow like I asked, so Members will know.

PARLIAMENTARY INQUIRY

Mr. MEEHAN. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MEEHAN. Will the Chairman be rolling votes per my unanimous consent request earlier?

The CHAIRMAN pro tempore. The Chair has been requested to put to the Committee the debate and the vote on this amendment and then postpone recorded votes on subsequent amendments debated tonight.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. THOMAS. Mr. Chairman, my understanding was there was a motion presented to the House for 6 amendments, not more than 40 minutes. That amendment was adopted.

On what basis does the Chair now propound a procedure for dealing with that which has not either been a unanimous consent or an offering on the floor?

The CHAIRMAN pro tempore. The Chair is only proposing putting the question for a vote after the pending amendment is debated.

Mr. THOMAS. In other words, the Chair is now exercising the Chair's right to explain to a Member what may be the parliamentary procedure and the order of business on the floor as determined by the Chair?

The CHAIRMAN pro tempore. That is correct.

Mr. THOMAS. I thank the Chair.

The CHAIRMAN. The gentleman from New York (Mr. FOSSELLA) is recognized.

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

Mr. Chairman, I offer a very simple, straightforward, and I think a common sense amendment. Under current law, one does not have to be a United States citizen to make a campaign contribution to a candidate for Federal office. My amendment would establish that only United States citizens or United States nationals would be permitted to make an individual contribution to any candidate running for Federal office. Indeed, earlier this year following up on introductions by the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. THOMAS) this House, by an overwhelming margin, sought to ban contributions to Federal elections by noncitizens.

My amendment would also allow the request of the gentleman from the territory of American Samoa (Mr. FALEOMAVAEGA), that would allow noncitizens and U.S. nationals, many of whom reside in the territory of American Samoa, to contribute to Federal campaigns.

I believe fundamentally that American citizens should determine the outcome of American Federal elections.

Mr. Chairman, again, let me just reiterate what this amendment does. Essentially it allows United States citizens, including United States nationals, to determine the outcome of Federal elections.

Currently, noncitizens can contribute to Federal elections. I think that is bad policy; I think that we have seen in the last couple of years how noncitizens have played a major role in funneling illegal money to Federal elections. Indeed, just in today's paper we see how a Thailand firm lobbyist was indicted as a conduit of campaign cash. The indictment brings to total the number 11 of persons charged so far in the Justice Department's campaign finance investigation which began in November of 1996, and all of them have a very similar trait in that they funnel money through people who are residents of the United States, but are noncitizens.

Mr. Chairman, I think that is why we have before us an amendment that just a couple of months ago by a vote of 369-to-43, this House overwhelmingly banned the contributions to Federal elections for noncitizens. As I stated earlier, I think this would go a long way to bring integrity back into the system we have before us, and essentially and in effect, allow foreign influence of the United States political process to be kept to a minimum.

Mr. Chairman, 369 votes to me is a strong indication of the bipartisan support that this legislation shares in this House, and I would think that every American who is watching this or every American who believes there should be integrity in the system, that American citizens should control the electoral process, particularly those at the Federal level, and would support such an amendment, and I think this would go a long way to clarify the underlying legislation.

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

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent that the 20 minutes of time allotted to me be controlled by the gentlewoman from Hawaii, (Mrs. MINK).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, in our efforts, our bipartisan efforts over a period of the last several years to forge a partnership between Republicans and Democrats and find an agreement to comprehensive campaign finance reform, we have made a number of agreements and concessions along the way. We have a majority of the Members of this body who I believe and many of us believe now favor the MCCAIN-FEINGOLD, Shays-Meehan legislation.

The only thing that can defeat the Shays-Meehan legislation is an effort to have an amendment that is harmful to our ability to get it passed. I believe strongly that we should vote on this amendment. If Members are concerned about the specifics of this amendment, we voted and sent the bill over to the United States Senate, we can deal with it that way, or we can deal with it through the Commission as part of the bill that this House passed. We sent a Commission bill, gave them the responsibility to look at what changes there ought to be, other changes, in the campaign finance law.

□ 2030

I would suggest that this would be a change that the Commission could make a judgment on. This may well be an unconstitutional provision. The Commission would have an opportunity to talk to constitutional scholars and determine whether or not this should be part of some other amendment at some other time.

What we need to do at this point is to move forward, to get through this very cumbersome, difficult process, and have a vote up-or-down on the Shays-Meehan bill. I would urge my colleagues to vote against this amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very, very harmful amendment to add to this legislation. I ask this body to take a look at me as a person. I ask this body to examine this amendment and the impact it would create in a large percentage of the population of this country.

Just take a good look at me. If I were to hand over a campaign contribution to a Federal candidate, what would be the first thing that the recipient would do? It would be to ask me whether I was a citizen of the United States. I am a third generation American, but they would be forced to ask me that question because of my appearance, whereas the gentleman from New York, the gentleman from Massachusetts, tendering a contribution, would never have to be offended by such a request.

That is the cardinal offense that comes with the acceptance of this kind of provision, because it is implicitly discriminatory upon a large segment of our society that looks different than the basic majority.

There is nothing in this Constitution that says that the protections of the Bill of Rights extend only to United States citizens. Throughout it there is reference to people, to persons. There have been court decisions time and again that have extended the protections of the Constitution to all persons living within the United States.

We have had a great problem in the Congress making a distinction between illegal residents and legal permanent residents. Legal permanent residents have gone through all the processes. They have spent years to even come to the United States. They have come here with the purpose of being lawful, participating people in this great democracy. What are we afraid of, of these legal residents? We should not be. We should be welcoming them as participants in this democracy.

This Congress first took away their food, threatened to take away their health care, refused to give them disability protections, injured the elderly and the children and the sick among this category of so-called legal permanent residents.

Let us not make a mockery of the openness of this society, of the fierceness with which we defend the Constitution, and tonight adopt an amendment that says, yes, we welcome you into the country, but we will not allow you to be participants. We forbid you to make contributions to candidates. To me that really offends not only the core symbol of this democracy, but it is absolutely unconstitutional.

Pass this amendment and I am sure it would be taken to the courts and it will be stricken from the bill. Do not disgrace the Constitution by supporting this kind of amendment.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mrs. MINK of Hawaii. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Chairman, I want to congratulate the gentlewoman on an outstanding presentation to her colleagues. I think many of us who, as the gentlewoman said, look like the majority in this country would not have thought of the implicit distinction that people would have to make in order to make clear that a contributor was a citizen or legal resident of this country who had not attained nor sought citizenship.

There are thousands and thousands and thousands of people who, since the Federal election law has been in place, have contributed to candidates of both parties and to third and fourth parties all across the country, raising no issue, no scandal, no problem. They simply have attested to the fact that they care about the country they live in; that as people who go to work every day and invest in it and create jobs for others, they want to have some say about the atmosphere in which they go about living their life.

Mrs. MINK of Hawaii. Mr. Chairman, I make the assumption in my district that everyone who wants to participate in my campaign is welcome. If they want to make a contribution to my campaign, they are welcome. I am not going to ask them to prove to me that they are a citizen of the United States. I do not carry around anything in my pockets or anywhere in my possession that I know of that proves that I am an American citizen.

I pay taxes, I was born in America, my parents were born here. Why do Members want to impose this kind of incriminating disability on tens of thousands of honest, hard-working people in districts like mine? But that is what Members are going to force me to do. They are going to put me in jail and make me a criminal because I have taken a contribution from someone in

my constituency that I love and I respect, because I did not have the whatever it was to insult him by saying, are you a citizen?

That is really what we are doing tonight, we are absolutely tearing away the very shreds of this democracy which says that people who come to this country and love this country ought to be able to participate in it. I ask this House to please defeat this amendment.

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

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

I would just note for the RECORD, Mr. Chairman, I noticed, respectfully, of course, that my colleague, the gentleman from Massachusetts (Mr. MEEHAN), objects to this amendment, but earlier this year he, along with 369 of our colleagues, voted to support almost identical legislation. Indeed, this is broader than the piece of legislation we voted on earlier.

Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would like to say to the gentleman from Massachusetts (Mr. MEEHAN), if he is here, that the Meehan-Shays bill is not a perfect bill. If the gentleman expects to have support from Members of this body, do not tell us to take it the way it is and do not try to amend it. That is not acceptable in this body.

I have great respect for the gentlewoman from Hawaii, but I am amazed and surprised at her comments here tonight. It is patently absurd to suggest that the gentleman's amendment is unconstitutional. It is discriminatory in only one way, only one way. It differentiates between citizens and noncitizens. It also takes into account the fact that we have U.S. nationals in places like American Samoa, to the credit of the author of the amendment. The House has voted on this very type of amendment and approved it before by a very large vote.

To this Member, it is very simple. If you want to be fully involved in our political process, then you must become a citizen of the United States. If you do not make the full commitment to our country by becoming a U.S. citizen, then you should not have the right to participate in our political system in the ultimate fashion, by making a campaign contribution and affecting the lives of American citizens. You should not have a role in electing American officials.

Most Americans believe this is the law already, but in fact, as we learned last year, you can simply be a permanent resident of the United States, and in fact be a resident, and then it is not illegal to make a political contribution.

There is no requirement on the gentlewoman, for example, to do a citizenship test of the people that might make contributions to her campaign. All she would have to do is simply say, ''Are you a citizen?'' And when you fill out a contributor's form you would have to attest that you are a citizen.

We have had problems in the recent presidential campaign which have cast a cloud on Asian Americans. That is deeply, deeply regretful, because that is an inappropriate cloud. But there is no reason why there is any additional discriminatory scrutiny given to a Caucasian from another country or a Hispanic from South America than there is an Asian American who is a citizen or a U.S. national.

I think it is a very obvious conclusion that the process of electing our officials should be a right reserved for citizens. It is wrong and dangerous to allow even the potential to exist for undue foreign influence in electing our government. That is what the American people expect. That is what they want. That is what the gentleman's amendment does.

I urge Members to support the gentleman's amendment.

Mr. Speaker, this Member rises today in support of the amendment offered by the distinguished gentleman from New York [Mr. FOSSELLA], which would prohibit foreign individual campaign contributions or expenditures and allow such contributions or expenditures only from United States citizens or United States Nationals. The Fossella amendment is almost identical to H.R. 34, which this Member sponsored as one aspect of necessary campaign finance reform legislation, and which was previously passed by the House by a vote of 369 to 43 (with 1 Member voting present) on March 30, 1998. The only difference between the Fossella amendment and this Member's original legislation (H.R. 34) is that the Fossella amendment would appropriately allow United States Nationals (as defined by the Immigration and Nationality Act) to make individual campaign contributions or expenditures to Federal candidates.

However, it is apparent that a serious problem really for the first time came to the attention of the American public during the 1996 presidential election season—campaign contributions from foreign sources. The abuse that allegedly resulted from foreign campaign contributions in the recent presidential campaign is a terrible indictment of our current campaign finance system.

Many Americans believe that it is already illegal for foreigners to make Federal campaign contributions. The problem is that they are both right and wrong under our current Federal election laws. The fact of the matter is that under our current Federal election laws, you do not have to be a U.S. citizen to make campaign contributions to Federal candidates. Under our current Federal election laws, you can make a campaign contribution to a candidate running for Federal office if you are a permanent legal resident alien—a permanent legal resident alien and you, in fact, reside in the United States.

This Member believes that this situation is wrong, this Member believes that most Americans would agree it is wrong, and this Member believes that it is a problem begging for correction. Therefore, this Member introduced H.R. 34 on the first day of the 105th Congress to change our current Federal election laws so that only U.S. citizens are permitted to make an individual contribution to a candidate running for Federal office.

An overwhelming number of this Member's colleagues agreed with the purpose of H.R. 34 as on March 30, 1998, the House passed H.R. 34 by a vote of 369 to 43 (with 1 Member voting present).

Indeed, the Congress must be concerned about the issue of legal and illegal foreign campaign contributions. Everyone here today should be concerned about this recent insidious development in our presidential election process, and should understand that these statutory and procedural changes like the passage of the Fossella amendment are necessary to protect the integrity of the American electoral process. We must insure that it is Americans who choose our President and Congress.

We simply cannot allow foreign corporations and foreign individuals to decide who is elected to public office at any level of our government. Therefore, the Fossella amendment, which would require that only U.S. citizens and U.S. Nationals be allowed to make individual contributions to candidates for Federal office (and which is virtually identical to this Member's bill—H.R. 34), must be a priority for the 105th Congress. This issue must be addressed and this Member intends to push for this change until successful.

In conclusion, this Member would ask his colleagues to strongly support the Fossella amendment—the essentially identical text of this Member's bill, H.R. 34, which previously passed the House by an overwhelmingly majority—as an important step forward campaign finance reform.

Mr. FOSSELLA. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. PAXON).

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

Mr. PAXON. Mr. Chairman, there are many controversial amendments that are being offered and have been offered, but not this one. On this one there is near unanimity in this body, whether we are on this side of the aisle, Republicans, or that side of the aisle, Democrats, liberals or conservatives, from whatever region of the country, there is agreement that this amendment needs to be part of this legislation.

As a matter of fact, in March when we voted on a similar amendment, a similar piece of legislation, H.R. 34, the Illegal Foreign Contributions Act, it passed with 369 votes. There are few things in this body that have enjoyed the depth and breadth of support that this idea did in the form of the legislation then, H.R. 34, and today in the form of the amendment offered by the gentleman from New York (Mr. FOSSELLA).

Why should there be such unanimity? It is just common sense, for two reasons. First, only U.S. citizens and U.S. nationals should be allowed to contribute to Federal campaigns. Back at

home this is not rocket science. People would assume this should be the case. We should not even be talking about this, because they would have assumed long ago we would have made sure this was the case.

Of course, number two, common sense is a result of this amendment in the action of the gentleman from New York, no foreign dollars would be allowed to be part of our system. We know what has happened in recent months, and we have been witnessing in the papers even today about the influence, the attempted influence, of our system by foreign dollars.

I am very pleased that the gentleman from New York is taking this step so we can be certain that whatever reform legislation passes this House, that this idea, this important step to ensure the integrity of our American political system, is part of it.

I tip my hat to the gentleman from New York, and most importantly, to the Members of this Chamber who I know will be voting overwhelmingly, as we did last March, to make this important part of this reform move forward.

Mrs. MINK of Hawaii. Mr. Chairman I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to support the gentlewoman from Hawaii, and say that I was one of those, part of that overwhelming 300 or so, who voted when we had this amendment on suspension a couple of months ago, who voted in favor of eliminating the right for permanent residents to be able to contribute.

After that time I was overwhelmed, if you will, by so many constituents in my district, which is a very multi-ethnic district. A lot of Asian Americans live in my district. They explained to me how insulting this was, if you will, that to say that people who are here, who become permanent residents, who would like and in most cases are trying to become citizens of the United States, that this is the one opportunity they have, really, or one of the few opportunities they have to express their will and get involved in the political process.

I think it is a mistake for us to deny them that. I think that I understand the point of view that says, well, you should be a citizen to fully participate in our democracy, but this is not—this is a form of participation, a very small form of participation, that I think we should allow permanent residents to be able to contribute and participate in this way.

□ 2045

Mr. FOSSELLA. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I rise today in strong support of the Fossella amendment. It seems like deja vu. We have been here before.

Just a reminder about 1996, during the election cycle, the Democratic National Committee was forced to return over $2.8 million in illegal or improper donations. I was surprised and dismayed by that. The American people were dismayed and, frankly, frustrated over the ability of foreign nationals to wield such influence over our election process without casting a single vote.

It is why I introduced H.R. 767, which was the Common Sense Campaign Reform Act. That bill provided a common-sense, three-step approach to address the problems inherent in the current system. One step of the three would prohibit individuals who are not eligible to vote from contributing to candidates for Federal office or political parties.

I commend my colleague, Mr. FOSSELLA, for incorporating into his amendment the spirit of H.R. 767. Banning contributions from non-U.S. citizens reinforces the important message that American citizens and only American citizens elect their representatives in government, not foreigners.

Now, contrary to what I have heard over here, this is not harmful. It does not need a commission. It simply needs a vote, just like the last time.

By the way, this bill is more inclusive than the last bill. It is a better bill in response to the comments over here.

Mr. Chairman, foreign influence in our elections has eroded the American people's confidence in our democratic process and left far too many voters feeling demoralized and disenfranchised. While this bill is no sweeping reform effort, it does address one of the system's most glaring problems, the influx of foreign money in our political process.

I urge my colleagues to support this vital, common-sense piece of legislation.

Mr. FOSSELLA. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman from New York for bringing this amendment to the floor. I think it clearly does what most Americans think is already the case.

Some of my colleagues tonight have even said, I thought that is what the law already said, wondered why we passed this with such an overwhelming vote just a couple of months ago. Even the Shays-Meehan language tries to address this issue but I think does not adequately address the issue of expenditures.

This amendment clearly takes foreign citizens out of our election process as contributors. We have seen that ability of foreign citizens living in the United States to use our system in a negative way in just the last cycle of elections. We have heard example after example after example of citizens of other countries living in the United States who gave money, a lot of questions as to where that money came from, some apparent proof that that money was funneled into our politics through these people living in the United States from other governments. But if this law was on the books, that would not be allowed.

The House overwhelmingly voted to make this common-sense reform. This clarifies not only that people cannot give money to campaigns, they cannot independently spend money to affect campaigns, something that virtually all Americans believe to be the case today.

This amendment avoids the problem simply by banning all expenditures by noncitizens. H.R. 34 amended the law by banning contributions from foreign nationals. This clarifies that.

I urge my colleagues not to change their vote, not to have to explain why their vote 2 months ago is different than the vote they cast tonight but to be consistent on understanding this problem that has already seen abuses in the most recent series of campaigns, to change our laws so that those abuses cannot occur in the future, to make that part of any changes we make in campaign finance reform so that the laws are enforced, the laws are enforceable, and we do not continue to have the same kinds of problems that everybody understands were part of the last cycle of elections.

I urge my colleagues to vote for this. Actually, I would be delighted just to see my colleagues who voted for it the last time to vote for it this time or to come up with a pretty good explanation when they go back and talk about this topic, to talk about why that vote was one way 60 days ago and another way today.

I urge my colleagues to pass this. I think it will pass. I am grateful to the gentleman from New York for offering this amendment tonight.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Chairman, this is a bad amendment. Like a lot of other Members, in the enthusiasm of the early days following the last election I supported the idea that we should constrain the rights of new Americans and permanent residents to participate to the fullest in our election process. That was a mistake. It was wrong.

These are not citizens but they are people who have been permitted to come here. They will become citizens almost without exception in the orderly passage of time. They serve in our Armed Services. Indeed, there are better than 20,000 of these permanent residents who now serve the United States in our Armed Services. I would say that we ought to permit them to have full participation.

After all, it is the main thesis of my good colleagues and friends on the Republican side of the aisle that the giving of campaign contributions is an exercise of the right of free speech. Indeed, the Valeo case says so. Why then is it that we should deny these people who have come here, who have entered

the country legally and who are for all intents and purposes, from tax paying to serving in the defense of this Nation, acting almost completely as American citizens?

Almost without exception, they intend to become American citizens. Almost without exception, they have a great reverence and love for this country. I think there is nothing wrong with permitting them to have that additional right of participating in our election process by making campaign contributions under the same basis that any other person who resides legally and permanently here.

I would urge my colleagues to reject the amendment offered by my friend and colleague on the Republican side. I would urge them to err in this matter, if we do err, and I do not believe so, on the side of seeing to it that the fullest of participation of citizenship in this important aspect is extended to those who are permanent residents of the United States.

With regret, I say this is a bad amendment. With regret, I say let us vote it down. And let us then proceed towards the enactment of the Shays-Meehan bill, which is a good piece of legislation in the public interest, and let us allow permanent residents, legally entered into the United States, to participate in the full exercise of free speech, looking to the day when they can become citizens and can actually have the right to vote.

Mr. FOSSELLA. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, it is certainly a pleasure this evening to join the gentleman from New York in support of the Fossella amendment.

I have found it amazing to hear the discussion on this amendment, an amendment that says you must be a citizen of the United States to contribute to and influence elections. You must be a citizen of the United States to participate in elections. But it seems for some to be all right to give thousands of dollars that might change thousands of votes when you are not a citizen.

I find it incredible. Some have said it is unconstitutional. We know that is a joke. Someone said it was harmful to the bill if it passed. But they did not explain how it was harmful.

Maybe if it is not right, they said, we can fix it in the Senate or maybe in a conference committee. And then the one that amazed me, because bureaucrats always scare me, it was said, we can deal with it over at the commission if it is not right, telling the commission that they must determine whether it is appropriate for people that are not citizens to give to campaign contributions.

I also found it amazing that someone called it a cardinal sin and very offensive to be asked if you are a citizen. My grandparents came from Sweden. If someone asked me if I am a citizen, I will say, you bet I am and proud of it. Most of the newest citizens that I know, when asked if they are a citizen, they beam. They are so proud to be an American. It is not offensive to be asked. It is not an insult to be asked if you are a citizen.

What will be the impact if we do not do this? If we do not do this, it will be easy for those who are seeking the White House to continue to funnel foreign money into their coffers. That is what it will do.

Do my colleagues like what happened in 1996? I do not. Future Congress races, future Senate races will be easier to get foreign money and use it to win elections, which is wrong in this country.

Mr. Chairman, this is a clean, simple amendment. The law says you must be a citizen to vote. Why should you be able to influence elections with cash if you are not a citizen? You may influence thousands of votes.

This is the simplest, cleanest amendment we will face on campaign finance reform. I urge all of my colleagues on both sides of the aisle, let us stand for the Constitution. Let us stand for citizenship. Then if we are going to participate in elections in this country, you need to be a citizen, to vote and to contribute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I voted in favor of this amendment when it stood separately. I now will vote against it. Why?

Since it passed before, we do not need it to be attached to this bill for its substance. The only reason it is being attached to this bill now is to defeat Shays-Meehan. Why? Because Shays-Meehan has to stay as close to identical to what passed or came close to passing with 57 votes in the Senate for cloture. Do not support this amendment if you are committed honestly to campaign finance reform. The further Shays-Meehan departs from what could pass in the Senate, the less our chance.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, the gentleman from New York (Mr. FOSSELLA) pointed out that his amendment has already passed this body as a stand-alone bill. So why are we debating it now? We are debating it because, I would venture to say, many Members who support this amendment and who are trying to add amendments to Shays-Meehan are trying to defeat the bill, which has 218 votes to pass this body if we keep it in the form that it is in that is like the McCain-Feingold bill that has the majority of votes in the Senate.

I call on my colleagues, if they are for reform, vote against this amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to 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 thank the gentlewoman for allowing me to say a few remarks with reference to the amendment now at hand.

I would like to ask my good friend from New York for a dialogue concerning his amendment because there does seem to be a lot of misinformation going around here concerning the gentleman's amendment. I do want to thank him for his understanding of the uniqueness of the situation.

I know my colleagues probably are not aware I am the only representative that represents U.S. nationals in the great United States of America. By definition of the U.S. immigration law, a U.S. national is any person who is born in the confines of American Samoa, who is a permanent resident, not permanent resident, born and raised in American Samoa who owes permanent allegiance to the United States but he is neither a citizen nor an alien.

You tell me what that means? But I would like to ask the gentleman from New York if his understanding of a U.S. national is in that category and the reason for his amendment is that U.S. nationals can contribute to Federal elections?

□ 2100

Mr. FOSSELLA. Mr. Chairman, will the gentleman yield?

Mr. FALEOMAVAEGA. I yield to the gentleman from New York.

Mr. FOSSELLA. To my colleague from American Samoa, Mr. Chairman, it was in a conversation that my office had with his office, in an effort to address this issue and his concern, and particularly with the letter dated May 12 of 1998, that we sought to allow U.S. nationals to contribute to Federal elections.

Mr. FALEOMAVAEGA. Reclaiming my time to just ask, because I was hoping that maybe the issue of permanent resident aliens and green card holders would be addressed at another time, but this is very key and important, and I want to ask my friend does his proposed amendment exclude permanent resident aliens from participating and contributing to U.S. elections?

Mr. FOSSELLA. If the gentleman will continue to yield, this amendment simply allows for United States' citizens and United States' nationals to contribute to Federal elections.

Mr. FALEOMAVAEGA. So, by omission, permanent resident aliens cannot contribute in U.S. Federal elections?

Mr. FOSSELLA. That is correct.

Mr. FALEOMAVAEGA. Is the gentleman aware that permanent resident aliens are subject to the U.S. draft?

Mr. FOSSELLA. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Chairman, I would say to the gentleman from New York, I would be glad to take 2 minutes and allow 1 extra additional minute for the gentleman from American Samoa so he can finish his colloquy, because I think he is on a point the Members should understand.

Because I have an amendment that comes later which is very similar to the amendment of the gentleman from New York, and I support his amendment, but my amendment goes a little further and takes it down to the State and local level and also points out that one cannot solicit contributions. So this means that a U.S. citizen cannot go out and solicit contributions from people that are not citizens.

I support the gentleman's bill, but I would like to point out for the Members here that there is a controversial point here and it all pivots around the idea that we are not talking about U.S. citizens, we are not talking about U.S. nationals, we were talking about U.S. permanent legal aliens, is the term. And in many parts of the country these people want to participate.

Mr. FALEOMAVAEGA. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Chairman, I thank the gentleman for yielding, because we do need to understand exactly what is a permanent resident alien. A permanent resident alien is an alien who petitions the Immigration and Naturalization Service for his status, for which he is then issued a green card under the provisions of a quota number that is given to that person.

By those conditions, a permanent resident alien is subject to the draft in times of a national emergency. I had several friends who were permanent resident aliens who were Vietnam veterans. They were subjected to the draft. Also, a permanent resident alien, after 3 years serving in the military, can also become a U.S. citizen, if he so wishes.

Mr. STEARNS. Reclaiming my time, Mr. Chairman, I thank the gentleman for that clarification.

I think the Members on this side who are saying they are against the gentleman's amendment must go back and realize that they have voted for this identical language and they are going to be flip-flopping on this floor because that bill passed 368; overwhelming.

The fact it is a stand-alone bill has no relevance here because it is the same words. So my colleagues have to know in their heart of hearts that they are going to flip-flop tonight if they do not support the amendment of the gentleman from New York.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, this is one of those difficult moments in the process of bringing forth a comprehensive bill with many supporters. We tried to identify amendments as killer amendments, harmful amendments, benign or helpful amendments, and essential amendments to help the bill pass. For some, this is a killer amendment. I have to be candid with my colleagues, those who support Meehan-Shays, we are going to lose some supporters in the end if this amendment passes. It is likely to pass.

But one of the things I find extraordinarily ironic is I hear Members say there is agreement this amendment has to be part of Meehan-Shays. Yet the people who are saying it are not going to be voting for Meehan-Shays. So this is not particularly a friendly amendment. We already passed this legislation last year. It is waiting in the Senate. It can be dealt with there. To attach it to this bill will do what I think it is intended to do, which is to make it more difficult to pass Meehan-Shays. I accept this. I understand it.

What I would also like my colleagues to understand is that the real foreign money problem is with soft money, and the opponents of Meehan-Shays do not want to ban soft money. The foreign nationals who gave money gave soft money. They did not give hard money contributions. All the outrages that people are thinking of are soft money and yet so many who are concerned about foreign money are opposed to banning soft money.

When I look at this legislation, I have to tell my colleagues I understand that some just think people who live in this country, who are not legal, should not be allowed to contribute. I am grateful they are legal. I am grateful that they ultimately want to become citizens. And I regret my vote when I voted for it in the past, and I will vote ''no''.

I will say this. I encourage my colleagues who feel strongly against this amendment, do not let them win in the end. If they succeed in attaching this amendment, do not walk away, because that is the real reason why they are presenting this amendment. And I encourage my colleagues to realize that we cannot allow this amendment, if it passes, to be a killer amendment because they will have won.

Mr. FOSSELLA. Mr. Chairman, I yield myself such time as I may consume to urge all Members just to reflect upon the highest oracle of wisdom, and that is the experience of voting for this same, almost identical piece of legislation, but broader, just a few months ago.

The reality is that if Shays-Meehan were to pass, I think we would like as perfect a bill as possible and, in effect, what my amendment would do would only allow United States' citizens and United States' nationals to contribute to Federal campaigns.

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

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Please, Members, do not confuse the term foreign national with what this bill really does, and that is it goes after lawful permanent residents. Foreign nationals are people who may be visiting, may be coming to this country on occasion, but they are nationals, citizens of another country and do not have intentions of staying. Lawful permanent residents are exactly what the term says, they are lawfully here, they are permanently here and they are on their way to becoming U.S. citizens.

This amendment is a sweeping indictment of the 8 or 10 million people who are lawful permanent residents, 2 million of whom are waiting up to 3 years to become U.S. citizens. This amendment is telling all those folks, tough luck. This Congress has been very good at stripping rights from lawful permanent residents, but it is very bad, and I am willing to give them what they deserve, the opportunity to participate.

We tax lawful permanent residents. We expect them to defend this country in times of war, and they do, and we have Medal of Honor winners to prove it. We expect them to adopt a civil life in America, yet we want to now with this amendment exclude them from future participation.

Members should vote against this amendment if they are serious about campaign reform. Vote against this amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Hawaii (Mr. NEIL ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, it has been said several times tonight that we had an overwhelming vote on this before, and I think that is probably because we did not necessarily have the full implications before us.

I certainly do not fault what the gentleman from New York (Mr. FOSSELLA) is trying to accomplish in terms of trying to keep money that should not be in our campaigns out of it. But here I want to emphasize to all of my colleagues that we are talking about legal permanent residents; people who have served in the armed forces. We are in a situation in which we can have convicted felons who cannot vote, they can give money to a political campaign, but a legal permanent resident who is paying taxes, working hard, raising their families is not going to be allowed to give.

I am speaking right now because my colleague over there is the one who is going to be asked. I get out of it. I listened to some people on the floor say ''if I was asked''. I guarantee if someone looks like me, with the same physiognomy that I do, they will probably not get asked. But who is going to get asked are the people who are likely to be seen as foreign.

Anybody who is in this country under the protection of the Constitution is deserving of participating fully in our constitutional and Democratic government.

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume, and I rise in very, very strong opposition to this amendment. We all came to this body, we took an oath of office, we swore to uphold the Constitution of the United States.

We all came to this body and we took an oath of office: We solemnly swear to uphold the Constitution of the United States. The First Amendment says Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech, and to petition the government for a redress of grievances.

Nowhere does the Constitution say that this right under the First Amendment is reserved to U.S. citizens. This affront today denying the right of legal people who have come through the process from exercising their right to petition to those who seek to represent them in the Congress from contributing is an absolute denial of free speech, a violation of the First Amendment and absolutely unconstitutional. I do not believe that we, as a dignified body, should adopt this amendment in this reform legislation.

The CHAIRMAN pro tempore (Mr. GIBBONS). The time of the gentlewoman from Hawaii (Mrs. MINK) has expired.

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

Let me remind my colleagues again that 369 of them voted just a few months ago to support the almost identical legislation. The reality is that you can think what you want about what the Americans think about the campaign finance system and how important it is to their lives relative to education or taxes. The reality is that if you vote against this amendment you are going to continue to allow noncitizens to influence the electoral process in this country.

I submit, Mr. Chairman, and every colleague of mine in this House that what the American people want is for United States citizens and United States nationals to control the process, to vote and to contribute. If we vote no on this amendment what we are saying is that noncitizens can continue to influence the American election. If we vote yes on this amendment what we are saying is United States citizens, United States nationals, have the right to contribute, have the right to vote, have the right to influence our process.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

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

RECORDED VOTE

Mrs. MINK of Hawaii. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 282, noes 126, not voting 26, as follows:

[Roll No. 276]

AYES—282

Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
DeLauro
DeLay
Dickey
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moakley
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

NOES—126

Abercrombie
Ackerman
Allen
Andrews
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Diaz-Balart
Dicks
Dingell
Dixon
Doolittle
Ehlers
Engel
Farr
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinojosa
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kilpatrick
Kim
Kind (WI)
King (NY)
Lampson
Lantos
Lee
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
Manton
McCarthy (NY)
McDermott
McGovern
McHale
McIntosh
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Pombo
Porter
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Roybal-Allard
Sabo
Sanford
Scott
Serrano
Shays
Skaggs
Slaughter
Stokes
Talent
Tanner
Thompson
Thornberry
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn

NOT VOTING—26

Baesler
Burton
Deal
Deutsch
Doggett
Fattah
Fowler
Gephardt
Gonzalez
Hall (OH)
Hilleary
John
Martinez
McDade
McNulty
Olver
Payne
Rush
Schaefer, Dan
Shuster
Smith (OR)
Smith (TX)
Stark
Wexler
Yates
Young (AK)

□ 2129

Mr. SANDERS and Mr. MCINNIS changed their vote from ''no'' to ''aye.''

So the amendment to the amendment in the nature of a substitute was agreed to.

Mr. THOMAS. Mr. Chairman, I seek unanimous consent to explain a proposition in an attempt to bring additional order to the process on the floor regarding the Shays-Meehan amendment.

The CHAIRMAN pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, this is to request in an attempt to propound either a unanimous consent request or a motion, if necessary, all of those individuals who have offered amendments to Shays-Meehan who are interested in pursuing those amendments to notify me, the Committee on House Oversight, that they have an interest in having their amendments considered in order on Shays-Meehan so that we

will have the universe of those that are serious about their amendments by about 1 o'clock tomorrow so that we could perhaps begin to put together either a unanimous consent request or, as I said, a motion to create a defined universe of serious amendments to Shays-Meehan rather than the universe that is out there.

So I would request by 1 o'clock tomorrow that any individual who has an amendment that is in order on Shays-Meehan who wishes to have it considered as part of a unanimous consent or a motion to notify the Committee on House Oversight.

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Massachusetts.

Mr. MEEHAN. One of the concerns that the minority would have, Mr. Chairman, is that we get a full list of which amendments people respond to and get it in a timely fashion. In other words, if it is at 1 o'clock tomorrow, that we could have the list at 1:15 or 1:20 so that we are in a position where we have a clear understanding what all the amendments are and who has voiced concern about having their amendment pulled or who really wants to go forward.

Mr. THOMAS. Yes, exactly. I will tell the gentleman that one of the things I have been trying to do is determine the accuracy of the list of proposed amendments; that is, the seriousness of them. What we are going to try to do is to get a notice out and leave a little time tomorrow morning for it to circulate, that anyone who is serious, let us know. It seems appropriate that if they are serious, it could be part of a propounded UC or a motion, and certainly as soon as we have that have list, we will provide our colleagues with it to get an understanding of where we are trying to go in an orderly fashion.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. THOMAS. My only question, Mr. Chairman, is can we in fact strike the last word under the amendment which was passed governing only those amendments under a time limit whose time limit is being drawn on if, in fact, the gentleman strikes the last word and there is no underlying amendment in front of us.

The CHAIRMAN pro tempore. A pro forma amendment is in order.

The gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I simply want to say to my friend from California (Mr. THOMAS) and I was going to ask him: I heard him say that anyone who is serious about an amendment should come to him.

As I looked at the list of amendments and at the people who offered them, it had not previously occurred to me that being serious about an amendment was a prerequisite for offering one.

Is this a new, and it is my time, is this a new rule that will only people on his side who are serious about their amendments will be allowed to offer them? Because if the people who are offering unserious amendments for unserious reasons were to be excluded, we could probably finish this in about an hour.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, the gentleman once again does make a meal of a term which I used in an attempt to determine whether or not someone wanted to be included in a unanimous consent or a motion. In using the term ''serious'' it seems to me that someone who may have been serious previously, watching the political antics of the gentleman's side of the aisle in arguing that they are serious about moving forward, but failing to do so, may have lost some interest, and I am hoping to make sure that everyone who involves themselves in the process has a level of interest equal to the gentleman.

Mr. FRANK of Massachusetts. Mr. Chairman, apparently by ''antics,'' and let us be very clear, he refers to the antics on our side. ''Antics'' apparently is the gentleman's phrase for defeating amendments aimed at killing the bill. Certainly the antics have consisted of defeating amendments with some help on the other side. I think the gentleman unfairly denigrates the serious remnant on his own side.

Finally, the gentleman objected that I put too much meaning into use of ''serious.'' I apologize for taking the gentleman at his word, and I will try to do an individual doing that this the future.

Mr. LEVIN. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. LEVIN. Mr. Chairman, since the gentleman from Massachusetts (Mr. FRANK) has been serious and raised a serious issue, I would just like to repeat what the gentleman from Massachusetts (Mr. MEEHAN) said to the gentleman from California.

If there is going to be unanimous-consent request, it must in the eyes of many of us, and I just speak for many of us, have a cut-off for a vote on Shays-Meehan and the other substitutes, because if there are 50 amendments, we do not see how there is time between now and August 7 to bring this to a vote, and we want not only order now, we want order to the end in that case.

So I wanted to mention that to my colleague in terms of his request.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, I tell my friend from Michigan (Mr. LEVIN) that it seems to me that the gentleman's request is within his own realm of concern reasonable. What we were able to do tonight was to create a degree of certainty for today, and my attempt is to begin to do it one day at a time.

If the gentleman will recall, we attempted to place order on this process earlier. Our failure to do that or failure to get unanimous consent cost us a full day of legislative time in the debate of Shays-Meehan.

I do not want in the pursuit of order to lose any more time than is necessary, and if the gentleman is holding out an absolute complete resolution in lieu of a day-by-day resolution, I will tell the gentleman he will probably create more of a delay than would otherwise be the case.

Let me at least now work day by day, and we will move from there, and I will tell the gentleman from Massachusetts that I never did intend, nor will I ever intend, to define for him what ''antics'' are to him.

Mr. LEVIN. Mr. Chairman, will the gentleman yield just briefly?

Mr. FRANK of Massachusetts. I will yield to the gentleman from Michigan so that I can ponder.

Mr. LEVIN. Mr. Chairman, I say to the gentleman from California (Mr. THOMAS) we need not only order day by day, but a guarantee that order day by day leads to a conclusion to this before we leave.

Mr. FRANK of Massachusetts. Mr. Chairman, I reclaim my time to say my understanding is we have already gotten such a guarantee, so the question is not whether we get a guarantee, but whether we get a guarantee of the guarantee because we are now several removed from the original guarantee, and I will now yield to the guarantor.

Mr. Chairman, I yield to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I am not the original guarantor, but I will renew that guarantee from the original guarantor, the Majority Leader, that we will finish campaign reform debate prior to the August recess.

Mr. FRANK of Massachusetts. Let me first ask the gentleman one question. Just one question, and then the gentleman from California can finish.

By ''complete'' does the gentleman mean a vote on the final version of Shays-Meehan? And I will yield again to the gentleman.

Mr. THOMAS of California. My belief is that it would be more than that because Shays-Meehan is not the completion.

Mr. FRANK of Massachusetts. Would it be at least that?

Mr. THOMAS. Oh, yes. I will tell the gentleman that Shays-Meehan is only one of the substitutes under the rule.

Mr. FRANK of Massachusetts. The gentleman wishes it was only one.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

AMENDMENT NO. 59 OFFERED BY MR. WICKER TO AMENDMENT NO. 13 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHAYS

Mr. WICKER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment in the nature of a substitute.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment No. 59 offered by Mr. WICKER to Amendment No. 13 in the nature of a substitute offered by Mr. SHAYS:

Add at the end the following new title:

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

SEC. 01. PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING.

(1) 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.''.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. WICKER) for 20 minutes.

Mr. WICKER. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, as many of my colleagues know, I do not agree with much of what this body is attempting to do in this legislation. I do not agree with cutting down on free speech, I do not agree that we have too much political expression in this country, and so I disagree with the direction that many of my colleagues are going in, and I think the American people are sort of with me on this.

I was encouraged to see the Washington Post/ABC News poll on the front page of the Washington Post newspaper this morning where it said that some of the things that we seem to be interested in here in this body and inside the Beltway are not really important to the voters out there in the public. When asked about changing the way political campaigns are financed, only 32 percent of the American voters think that is a very important issue, and only 1 in 10, only 1 in 10, Mr. Chairman, will let that issue decide how they will cast their ballots in November.

So I think we have been spending a lot of time talking about things like cutting down on free speech that we ought not to do and changing our campaign laws which maybe the people are not really interested in.

Here we are right now though at a very important issue, at a problem which exists, and does it ever exist, as shown by these headlines from around the Nation:

''Donors Pay and Stay at the White House''; Lincoln Bedroom a Special Treat, a Washington Post headline, my colleagues.''

So I rise today to bring an issue that is most important, and that is a problem, and that is to prohibit fund-raising in the White House, the actual sale of coffees and overnight stays in the White House.

Let me make it clear that I believe the Pendleton Act of 1883 already makes it illegal for the President and Vice President to solicit contributions from the White House or the executive office buildings. The problem is that the law has not been enforced because courts have been hesitant on how to interpret the law.

□ 2145

President Clinton and others have seized upon this ambiguity and flagrantly violated the spirit, if not the letter, of the law. For this reason we need to pass this amendment.

This amendment goes further than the Shays-Meehan language, and, as a matter of fact, I would hope the authors of Shays-Meehan would vote for this amendment and accept it as an amendment that perfects the language they had offered previously.

This amendment would close the loopholes President Clinton and Vice President GORE have succeeded in driving trucks through. And, make no mistake about it, they drove those trucks all the way to the bank. There can be no doubt as to the need for this provision.

In the history of the presidency, there has never been such an orchestrated effort to subvert the law and misuse public property for the express purpose of netting political donations. The integrity of the White House has been compromised by shamelessly putting it up for sale.

The facts are shocking. President Clinton and Vice President GORE hosted more than 100 coffees inside the White House, which resulted in a staggering $27 million in Democrat contributions. Among the more than 1,500 guests attending these thinly disguised political fund raisers were Chinese arms dealers and business executives from Thailand. President Clinton invited more than 300 Democrat party donors to stay in the Lincoln bedroom in exchange for campaign contributions.

White House documents confirm that President Clinton solicited contributions by telephone from the White House, raising at least half a million dollars. Vice President ALBERT GORE, Jr., has admitted that he made phone calls from his White House office, and further stated that there was ''no controlling legal authority'' which precluded his actions.

Tonight we can provide that controlling authority. This president has done what no president before him has ever done; he has put a price tag on the highest office of the land. He has sold access to the White House and its accommodations to raise millions of dollars for the Democratic National Committee and his own reelection.

At no time did Bill Clinton and AL GORE have ownership of the White House. At no time did they have authority to sell or rent the White House. The White House belongs to the people, to the people of the 1st Congressional District of Mississippi, and to every Congressional District in the United States of America. It belongs to the American people.

The passage of this amendment would make it clear that the White House should never again be used and abused for political fund-raising purposes. This short and straightforward amendment makes it illegal for White House meals and accommodations to be used for political fund-raising.

The language is very plain. There is no ambiguity, there are no loopholes. Neither Mr. Clinton nor Mr. GORE nor any others would ever be able to skirt around the law, should this be enacted.

I strongly urge my colleagues to put an end to the sale of the White House and vote for this amendment.

Mr. MEEHAN. Mr. Chairman, I am not opposed to the amendment, but I ask unanimous consent to claim the time in opposition.

The CHAIRMAN pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. MEEHAN) is recognized for 20 minutes.

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

Mr. Chairman, we agree with this amendment. In fact, we could probably get through this pretty quickly. Our bill, by ending the soft money loophole, would take away the incentives for any of this to happen.

We have spent a lot of time over a period of the last year or so reading about problems in our campaign finance law. I think we can all agree that the White House, any White House, a Democratic or Republican White House, should never trade meals or accommodations for political fundraising.

So we would agree with this amendment, and we could have a vote on it right now and pass it unanimously.

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

Mr. WICKER. Mr. Chairman, I am pleased to yield five minutes to the distinguished gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Mississippi for yielding me time.

Mr. Chairman, I hear some encouraging notions from the other side, but silent assent is not enough, because, you see, despite the talk of soft money, hard money and all the different slang that is bandied about this House, there is a clear and explicit problem. Our British cousins have an expression for it. It is called ''being too clever by half.''

What we have seen in this White House is nothing short of deliberate and despicable and dishonest, for the Vice President of the United States to have the audacity to stand in front of the Nation's press corps and say ''my legal counsel informs me there is no controlling legal authority,'' in the wake of a memo from the former White House counsel, Judge Abner Mikva, who at the time precisely warned administration personnel of the real problems inherent in violating the Pendleton Act, an act that was strengthened, my colleagues, in the Carter administration in 1979.

But because there are those who attempt to be too clever by half to the extent that they open fund-raising to the likes of Chinese arms merchants and other despicable characters, we must come to this floor now in this vehicle to articulate that those who would seek to be clever and surreptitious and gain the system again will be given no quarter. That is why this amendment is so vitally important.

I would go a step further, Mr. Chairman. I believe the very existence of the Constitution of the United States and the oversight capacity of the Legislative Branch over the Executive Branch ensures in fact that there is controlling legal authority. But to those who shamefully, cynically, put the Lincoln bedroom up for sale, had sadly what now appear to be cash-and-carry coffees, where ''Starbucks'' takes on an entirely different meaning, we must stand four square against that type of behavior.

It is not enough to have the almost reflexive defense that ''everybody does it.'' Mr. Chairman, nothing could be further from the truth. Everybody does not do it.

So, as we continue to follow the revelations that I suppose will continue to emanate from the other end of Pennsylvania Avenue, let us rise with one strong voice to say enough is enough; quit putting the White House up for sale.

Mr. Chairman, my colleague from Mississippi put it appropriately, it is the people's House, belonging to the people of the 6th District of Arizona. It is not the personal property of one William Jefferson Clinton, nor one ALBERT GORE, Jr., nor any of their minions in the employ of the administration. It is an American home for the American people, not a residence where the whims of American politics and the imagined pressures of campaign life can lead to such dreadful abuses.

Mr. Chairman, I say let us rise with one voice and say enough is enough. Support the Wicker amendment. End the dreadful abuse, and let us deal with genuine reform, because everybody does not do it.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE.

The CHAIRMAN pro tempore. The Chair will take this opportunity to remind the colleagues in this chamber that they are not to make personal comments about the Vice President.

Mr. MEEHAN. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, obviously I have said that we agree to support this amendment. After hearing the eloquent gentleman from Arizona, he has a real opportunity to do something about the problems under campaign finance system, and that is by voting for Shays-Meehan at the end of this long, cumbersome process. I hope he will join us in supporting this legislation.

Mr. Chairman, I yield five minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, I got involved with the particular efforts around campaign finance reform for one reason, because they were bipartisan. I did not believe that there was any chance to change the way this body operates unless there were people on both sides of the aisle working together.

I came forward to be a part of this because I knew two things had to happen: I knew that both sides had to work together to make change, and both sides had to acknowledge and take the blame for the system that we have today. I did not want to be a part of an action that would try and torpedo the other side. I wanted to be part of a positive change.

But I need to speak out today. I do support this particular amendment. I think it is a good idea. But I think the American people need to know that we need this amendment because there have been problems time after time after time. The system needs to be reformed because people on both sides of the aisle have caused problems.

My colleague from Arizona talked about ''despicable'' and ''dishonest.'' I would also say disingenuous.

I have a couple of documents. One is from the Presidential Roundtable. It has a picture of President and Mrs. George Bush. You have to pay money to join the roundtable. What do you get? You get ''one-on-one personal relationships.'' ''The Presidential Roundtable allows Members to participate in the development of policy, as well as help forge close friendships with Washington's top decisionmakers.''

Further on you find out if you give money, you are part of a program ''designed to take members of the Presidential Roundtable to various other countries to discuss economic and political issues, exclusive meetings that are structured primarily to bring top American businessmen and women together with their counterparts in Europe and Asia. You can have a voice in trade, the Organization of the European Community and the new mission of NATO.'' This is what happened in 1990.

I have another document, the top of the letterhead is from Mr. Bob Dole. It is for an organization called the Republican Senatorial Inner Circle. If you pay money to join this group, you have an opportunity to take part in a variety of activities which culminate, according to this particular letter, ''in the fall you will be able to join Vice President and Mrs. Quayle for a special inner circle reception which is traditionally held at the Vice President's residence.'' If you pay money and join this group, you get to go have dinner with the Vice President and his wife in their taxpayer paid-for residence.

I am going to vote for this amendment because I do not want to see either side doing this. But what I would like to see when we talk about reform is both sides stepping up and saying there have been problems and they need to be fixed. It is not one-sided, it is both-sided.

Has there been dishonesty in the past? Yes. Have there been problems in the past? Yes. Have there been despicable practices? Yes, on both sides. But let us leave the disingenuous aside and start talking about changing for a system we can live with that people can trust.

I have stacks and stacks and stacks of these things, and what they show is that there are certain ways to raise money in this town that are used over and over and over. And it does not matter if you are a Democrat or you are a Republican. What matters is if you are willing to change.

There are a number of people who have stepped forward and said we are ready to change and we ask you to join us. Not to come forward and fight every progressive step, but to join us to make change, and maybe for everybody here to accept the system has not always worked the way we want it to, and to find a way to make it work better in the future.

Mr. WICKER. Mr. Chairman, I am pleased to yield five minutes to the gentleman from Texas (Mr. DELAY), the distinguished Majority Whip.

Mr. DELAY. Mr. Chairman, it is amazing how this town works, as the gentlewoman has just said. In this whole fiasco of abusing the White House and other illegal campaign finance issues, no one has ever stood up on that side of the aisle and said the President was wrong, the DNC is wrong, they were wrong in what they did. All they do is say well, they may have been wrong, but the Republicans were just as bad.

□ 2200

Well, today we are going to talk about the Wicker amendment, and that applies to the White House and what has been going on for the last 6 years. For over 6 years, or 6 years ago, I remember President Clinton, or then candidate Clinton, promised the American people that he would establish the most ethical administration in the history of the United States.

Now, I would submit to the President that he has personally done more to ensure that his administration is one of the least ethical in the 220 year history of the office of the presidency. In orchestrating the most massive fundraising campaign in the history of the United States, the President and the Vice President personally oversaw the use of the White House as fund-raising headquarters. Not meetings, not talking to constituents, not even coming and discussing policy, but using the White House as a fund-raising headquarters.

Every politician understands that it is illegal to raise campaign funds on Federal property, yet the President and the Vice President and the First Lady made it their personal mission to use the White House as a chit in a ''cash for perks'' scheme of unprecedented proportions.

President Clinton himself oversaw and orchestrated overnight stays in the Lincoln bedroom and personally attended a series of so-called coffees, and we have seen all of those on videotapes in pursuit of campaign contributions. During Operation Lincoln Bedroom, 938, 938 guests stayed overnight in the Lincoln and the Queen's bedrooms. The President, of course, claims that the Lincoln bedroom was never sold. However, more than one-third of these guests gave money to Clinton or the DNC. The bedroom visitors and their companies gave at least $6 million to the DNC and a total of $10.2 million to the Democrats.

Now, according to the presidential press secretary, Mike McCurry, the Lincoln bedroom was a special way of saying ''thank you'' for services rendered. Now, I think everyone in this Chamber knows exactly what services Mr. McCurry was referring to.

Sadly, it does not stop there. Concurrent with the Lincoln bedroom scheme, the Clinton administration orchestrated a series of coffees.

Mr. WICKER. Mr. Chairman, would the gentleman yield?

Mr. DELAY. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Chairman, I just wondered if the gentleman recalls that, in response to this proposal to have overnight stays, the President actually sent a memo back to his chief of staff saying, yes, pursue promptly and get the names at $100,000 or more, $50,000 or more ready to start overnights right away, a memo from the President of the United States.

Mr. DELAY. Mr. Chairman, there is no denying what went on. There is a lot of spin going on around this town trying to spin it the other way and blame other people and blame the Republicans, even, for setting up the White House.

But even with the coffees, there were 1,528 individuals, 1,528 individuals who were invited to 103 coffees. My goodness, they drank a lot of coffee. Mr. Chairman, 358 of these individuals or the companies they represent gave $27 million to the DNC, and approximately $8.7 million was collected during the month before or after a personal coffee with the President or Vice President.

There cannot be any question in the mind of any reasonable person that the administration used the White House, Federal property, as a quid pro quo for campaign contributions; and it is already against the law now to raise campaign funds on Federal property. And because of the Clinton administration, we need to ensure that the White House is never, ever again used as a prop to leverage campaign contributions.

I ask that my colleagues support the Wicker amendment, because the White House belongs to the American people and not the Democrat National Committee.

Mr. MEEHAN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. LEVIN) who has been a leader and a person who has really made a difference in bringing this fight to the floor of the House of Representatives.

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

Mr. LEVIN. Mr. Chairman, I thank the gentleman for his kind words. And to the gentleman from Connecticut (Mr. SHAYS) and the gentleman from California (Mr. CAMPBELL) who are in the House, to all of the Republicans who have worked on this with us Democrats, I want to express my optimism now that we have a real shot at reform. That is really the issue, whether we are going to make political speeches, try to make political points, or are we going to have political reform.

I had a poster here that illustrates the statement of the gentlewoman from Michigan (Ms. RIVERS) about the Bush White House. It has an invitation in big print for big Republican givers, but I am going to forget the poster and just talk to some of my colleagues about what I think is their inconsistency.

I want to join the gentleman, my colleague on the Committee on Ways and Means, getting up on his hind legs across the board, though, not just about one set of abuses but all abuses. And as the gentleman from Massachusetts (Mr. MEEHAN) said, the test will be whether one votes ''yes'' on this amendment and then ''yes'' on Shays-Meehan, or whether one votes ''yes'' on this amendment and ''no'' on Shays-Meehan. That is the test.

The cynical vote is going to be ''yes'' on this and ''no'' on the bill. That would be more than clever than by a half. That would be more than inconsistent. My colleagues raise their voices, but we will see if they choke in silence when it comes to the final vote.

Mr. Chairman, let us talk about millions and millions. I say this as someone who has been in this system, who has been working to change it, and all of us who have been in this system know that it needs change. How many tens of millions come in in soft money? And Shays-Meehan tries to get at it. How much in millions, multimillions comes in in issue ads, uncontrolled, without any disclosure as to who it is?

So I am anxious to vote for this amendment, because we need to wipe out abuse wherever, and we have to be honest with ourselves and realize what has been happening to the political system of this country in the last 15 or 20 years.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I ask my good friend from Michigan, because he returned to the argument that, quote, unquote, everybody does it.

Mr. LEVIN. No, no, no, I will take back my time. I will tell my colleague why. I will not let him label that. That is not a defense. It is an explanation of the depth of the problem. And what happened in the Bush White House was wrong and whatever happened in the Clinton White House, if it involved the interaction of money and participation in the White House, it was also wrong, and I want to end it.

Let me just finish. I also want to end this flood of money that comes in without knowing whom it comes from and without limits. So do not pin that label.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, a simple question. Does the gentleman have any evidence of any Chinese arms merchants giving money to the Bush-Quayle reelection campaign?

Mr. LEVIN. Mr. Chairman, we have five or six committees looking into this, and I support investigations into where money came from. Mr. THOMPSON spent a number of months and came out without evidence. Now we will see what other committees come up with. And if there was a wrong, it should be, it should be not only looked into, but I think it should be redressed.

But I suggest to the gentleman, if I can take back my time, and I have heard the gentleman in the Committee on Ways and Means, I know the fervor with which you speak. My only suggestion is keep a bit of that fervor for the final vote on Shays-Meehan, just a bit of it, and do what this system needs.

PARLIAMENTARY INQUIRY

Mr. HAYWORTH. Parliamentary inquiry, Mr. Chairman.

Is it appropriate for Members to characterize the personal delivery styles of other Members?

The CHAIRMAN pro tempore. Will the gentleman from Michigan yield for a parliamentary inquiry by the gentleman from Arizona?

Mr. LEVIN. Mr. Chairman, I think he was inquiring of the Chair, not of me.

The CHAIRMAN pro tempore. Does the gentleman from Michigan yield?

Mr. LEVIN. Mr. Chairman, all I was saying was the gentleman is fervent, and I think the gentleman should be equally fervent——

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. LEVIN. Mr. Chairman, I will finish. The gentleman should be equally fervent when it comes to his chance to vote for reform. Do not pick and choose.

The CHAIRMAN pro tempore. The gentleman from Michigan's time has expired.

PARLIAMENTARY INQUIRY

Mr. HAYWORTH. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. HAYWORTH. Is it appropriate for Members to come to this Chamber and personally characterize the speaking styles and the conduct of other Members of this House while debate is going on?

The CHAIRMAN pro tempore. The Chair will remind the Members on both sides of the aisle that remarks personally critical of other Members are to be avoided.

Mr. HAYWORTH. I thank the Chair.

Mr. WICKER. Mr. Chairman, might I inquire about the time remaining?

The CHAIRMAN pro tempore. The gentleman from Mississippi (Mr. WICKER) has 5 minutes remaining and the right to close; and the gentleman from Massachusetts (Mr. MEEHAN) has 10 minutes remaining.

Mr. WICKER. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I was sort of torn on which side I should ask for time from, seeing that I am working with both sides on this issue, and I think that this is a classic example of bipartisan and bicoastal cooperation.

Mr. Chairman, I think that, first of all, I want to praise the gentlewoman from Michigan, because I think a lot of people, because of partisan concerns, do not want to come up and say our side has really created an unacceptable situation, and I want to commend her for that. Because I think a lot of people on this side are saying, why has not anybody been willing to admit that wrongs have been done in the recent past?

I think, on the flip side, there have been things happening historically in the far past that have not been addressed; and I think we all admit, no matter what our party affiliation, that this issue has become so chronic and so obvious and so outrageous that this amendment should be made in order and should be adopted by even those of us who cringe, as the gentleman from Massachusetts and the gentleman from Connecticut does, to any type of amendment to our Shays-Meehan bill.

The Shays-Meehan bill does not want a lot of amendments, but I think this is a viable one, and I would congratulate the gentleman from Mississippi for bringing it forward. I think it is something that the Democrats and Republicans can draw on.

But let me remind my colleagues again, even with this amendment, we are treating a symptom to a much deeper problem. Why would anybody pay $100,000 to sleep in a bedroom except they think with the bedroom comes the ability to influence a whole lot of money and a whole lot of power? And the reason why people are trying to influence the political process in Washington is because Washington is controlling too much money and too much capital and too much power.

So as we talk about campaign finance reform, let us all, especially those of us that worked the hardest on this over the last few years, recognize that we are only taking one step with this amendment. We are taking a nice two or three steps with the Shays-Meehan bill, but we are never going to complete this journey unless we are willing to stop having Washington control so much power and so much money out of Washington, D.C., and we learn to allow the people and the communities in America to have that power, to have that influence.

I only wish there was as much money and as much interest in elections of city councils and county supervisors and commissioners and State assemblymen and State Senators and governors as there is in Washington, and the only way we can allow that to happen is to allow the people locally to make those decisions so that this type of influence is not needed and is not tried in the United States Congress.

Mr. MEEHAN. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. SHAYS).

□ 1015

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, this is the kind of process that wins few friends, because everyone has a real sensitivity to the right and wrong of this issue. I acknowledge the fact that for me, I see it in black and white.

I weep that my own party does not want to lead reform. I think this is an example. This amendment here is a logical thing that should be part of the bill. I do not know why my own party did not come forward with campaign finance reform and take the lead, but it chose not to, I think because my own party decided that if it said you had to reform the system, in a way it meant that the things that happened in the Clinton White House were not wrong because it was just that we needed to amend the law.

I happen to think it is both sides. I happen to think, with all due respect to some on the Democratic side of the aisle, that they are ready to reform but do not want to investigate, and I think too many on my side of the aisle want to investigate but do not want to reform.

I say this with deep respect for some of my colleagues who are pretty angry that I am part of this process. But the best example is soft money. Soft money by law is not deemed a campaign contribution. Members may not want to accept it, but it is true. It does not come under the definition of ''campaign.'' Therefore, technically, the Vice President was right, no controlling authority.

I think it is a pretty obscene response, and I happen to think that he knew it was wrong, and I happen to think that he did not want people to know about it. But I hear a colleague right now just laughing, as if this is so absurd. It is not absurd. It just happens not to be against the law. It needs to be made against the law.

One of the things we are trying to do is we are trying to ban soft money. The bottom line is that in Meehan-Shays we want to ban soft money, the unlimited sums that come from individuals, corporations, labor unions, and other interest groups. We want to ban them because the money has gotten obscene, and both sides, in my judgment, and it is my judgment, I admit, are shaking down businesses and others for these contributions. It is the White House, and I believe it is my own party. I believe my own party wants big contributions, and it is very clear, I think, to some of these businessmen and women that they have to ante up. I know they think that because they have told me.

The other thing is that we want to deal with the sham issue ads. The sham issue ads are those campaign ads that basically almost tanked the gentleman from Arizona. We would ban those sham issue ads. We would not see corporate money being used, we would not see union dues money because it would be illegal, because once it is a campaign ad, they cannot do those ads. They can do it through PAC contributions, but not through members' dues, and they cannot use corporate money.

We want to codify Beck, which is the Supreme Court decision, and we want to make sure if you are not a member of a union you should not have to have your money go for political activity. We want to make sure that we improve FEC disclosure and enforcement, because it is weak and needs to be changed.

One of the things I believe is I believe that the Clinton White House, and I believe some on my side of the aisle, have gotten away with things they should not have because the FEC is too weak, and we do not have proper disclosure. When we finally found out they did

something wrong it was 6 years later, so it is kind of meaningless.

I think it is wrong for Members to spend franking so close to an election, so we ban it 6 months to an election. We make it clear that foreign money and fundraising on government property is illegal. What we do in our bill is make sure it is illegal not just for campaign money, but for soft money.

Soft money is not campaign money. That is the whole reason it snuck into the system. It was supposed to be party-building, but it was not party-building. We all know that. We know what happened to that money. It came to the parties, and then they funneled it right back to help candidates win elections.

It was not just for getting people registered. It was for helping candidates. It just rerouted the system and made a mockery of our campaign laws. I happen to believe our campaign laws worked pretty well for 12 years, but they have broken down because of the sham issue ads and because of soft money.

The CHAIRMAN pro tempore. The time of the gentleman from Connecticut (Mr. SHAYS) has expired.

Mr. MEEHAN. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my colleague, the gentleman from Connecticut, for yielding to me.

Mr. Chairman, I just want to return for a second to his observation about ''no controlling legal authority.'' How does my colleague from Connecticut then account for the memo that preceded the behavior by Vice President Gore from White House legal counsel Judge Abner Mikva, a former member of this institution, who said, for all administration employees, it was a violation of the Pendleton Act to solicit funds from Federal installations, i.e., the White House?

Mr. SHAYS. The bottom line is, the gentleman needs to know it was illegal to solicit campaign funds. Soft money is not defined as a campaign fund. It is the reason why we need to change the law. I say it time and time again, and the gentleman does not seem to understand it, it is not a campaign contribution. The Pendleton Act gets at campaign contributions.

Mr. HAYWORTH. Mr. Chairman, can I ask the gentleman another question, because I very much want to visit what he had to talk about in terms of different groups and their financing of different candidates.

Would the gentleman repeat again his notion of what is done now, if someone is not a union member, their dues cannot be taken? What happens to a union member who does not want his or her dues taken?

Mr. SHAYS. I talked about the Beck decision. The gentleman I think is clear on three things, but maybe some of my other colleagues are not.

Soft money can be union dues money. We ban it, so all union dues money cannot be contributed as soft money because it is not allowed, nor can corporate money that is soft money be allowed. We do both corporate and union.

The second thing we do is we call those sham issue ads campaign ads. Once it is titled a campaign ad, union money and corporate money cannot be used, because we by law now define an advertisement and forbid dues money in a campaign advertisement and corporate money in a campaign advertisement.

Then which get to the third part. This is the part the gentleman is most interested in. The Beck decision was a contest by someone who was not a member of the union who said his money should not be used for political purposes. The court made a ruling in the Beck decision that if you were not a member of the union, your money could not be used. That was the decision of the court.

Now, what my wife did was when she complained that her money, and my wife was a teacher and a member of the union in New Canaan, Connecticut, was going to a Democrat candidate who she opposed, she supported the Republican candidate, she said she did not want her money going, and the union said, you are a member of the union and we can spend it the way we want.

She said, well, I no longer choose to be a member of the union, then. She was able to deduct her political contribution and pay less union dues than that amount that was political. That was her right under the Beck decision. We codify it into law.

Mr. HAYWORTH. If the gentleman will yield further, Mr. Chairman, one further question to follow up.

In view of the fact that in several markets around the country, probably including Phoenix, the AFL-CIO will start an ad campaign, does the gentleman not worry about the constitutionality of attempting to abridge people's ability to speak? Because even though I am often personally the target of these abusive and false ads, I just do not think, or I would ask, does not the gentleman have some concerns that this could be unconstitutional?

Mr. SHAYS. The gentleman may have some concerns. I have little concerns about whether corporate or union money can be declared unconstitutional when it is a campaign ad. That has already been determined.

So the issue, to be fair to the gentleman, the issue is, is a campaign ad a campaign ad that has the picture and the name of an individual, as we define it? And I think yes, and I think the court will uphold it.

There is the other issue of whether the Supreme Court will agree with the Ninth Circuit or the First and Fourth, which talked about, essentially, that if it walked like a duck and quacked like a duck, it is a duck, it is a campaign ad, and two lower courts have gone in different directions. The court is going to have to decide which side they are going to come up with.

Mr. HAYWORTH. One further question, since the gentleman advances the argument that everybody does it, and he had his suspicions. Does the gentleman have any evidence that the Bush administration took any donations from Chinese arms merchants?

Mr. SHAYS. I do not think they did.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, the gentleman made a statement earlier that I take great exception to, that his party does not lead reform. No, I totally disagree with the gentleman, and would say that the gentleman's party does not lead the kind of reform that the gentleman wants. His party wants other kinds of reform.

Mr. SHAYS. I would take even other kinds of reform. I just want to see reform.

Mr. WICKER. Mr. Chairman, for purposes of closing the debate, I yield the balance of my time to the distinguished gentleman from Minnesota (Mr. GUTKNECHT).

The CHAIRMAN pro tempore. The gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 2½ minutes.

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I think this is a very instructive debate. I think it gets to the core of what we are talking about. Just a few moments ago the gentleman from Connecticut said he wanted reform. I submit what we really want is compliance.

Mark Twain once observed that human beings are the only creatures that God has created that can blush, or needs to. What has happened to our ability to blush? What has happened to our moral outrage? Twenty-seven million dollars was raised at White House coffees. We do not really need reform, I say to the gentleman from Connecticut (Mr. SHAYS), we simply need people who lead by example. Most of what we are talking about here tonight, most of the abuses we have read about, headline after headline, those are things that I think all of us know are wrong. They are simply wrong.

I would call the gentleman's attention to this amendment. I rise in support of this amendment. But even this amendment is fatally flawed, especially if somebody can legalistically rationalize no compelling legal authority. Then all of the rest of this, for example, the language is, ''any official residence or retreat of the President, including private residential areas and the grounds of such a residence or retreat.''

Does that mean Camp David? I think it does. But somebody else may say it does not. We can purse, we can come up with legalisms, we can come up with

excuses. That really, at the end of the day, is the fundamental argument about ''campaign finance reform.'' Our entire legal system, and particularly campaign finance, relies on voluntary compliance.

When we have people who are bound and determined to use their power, to use their office, to abuse the influence of that office, I do not think we can write campaign finance laws that are strong enough. I wish we could.

If anybody in this room, probably the gentleman from Arizona (Mr. HAYWORTH) and myself would love to see the stopping of this nonsense we have seen, the abuses of issue advocacy advertising and soft money and all the rest. But I suspect in the end the Supreme Court is going to say that that is protected political free speech. In the end what we are going to come back to is that certain people are going to figure out a way to get around whatever language we put in.

We had campaign finance reform before, and we will probably have it again. But in the end, only good people are bound by the law.

Mr. WICKER. Mr. Chairman, I move the question on the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Mississippi (Mr. WICKER) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

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

Mr. WICKER. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Mississippi (Mr. WICKER) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. STEARNS TO AMENDMENT NO. 13 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHAYS

Mr. STEARNS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. STEARNS to Amendment No. 13 in the nature of a substitute offered by Mr. SHAYS:

Amend section 506 to read as follows (and conform the table of contents accordingly):

SEC. 506. BAN ON CAMPAIGN CONTRIBUTIONS BY NONCITIZENS.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended to read as follows:

''CONTRIBUTIONS AND DONATIONS BY NONCITIZENS

''SEC. 319. (a) PROHIBITION.—It shall be unlawful for—

''(1) a noncitizen, 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 to a political committee or a candidate for Federal office, or

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

''(2) a person to solicit, accept, or receive a contribution or donation described in paragraph (1) from a noncitizen.

''(b) TREATMENT OF NATIONALS OF THE UNITED STATES.—For purposes of subsection (a), a 'noncitizen' of the United States does not include a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).''.

The CHAIRMAN pro tempore. Pursuant to the previous order of today, the gentleman from Florida (Mr. STEARNS) is recognized for 20 minutes.

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

Mr. Chairman, I am not going to take very much time. We have already been through this debate. The gentleman from New York (Mr. FOSSELLA) has already offered primarily most of this amendment, but I would like to just formally put it in place, because there are some additions to his amendment that I think are important to specify. That is why I am here tonight.

I rise to offer this amendment to the Shays-Meehan substitute, the Bipartisan Campaign Integrity Act.

□ 2230

This amendment, of course, clarifies the law by placing an explicit ban on campaign contributions by noncitizens, including illegal aliens, which was in part of the debate previously, for all elections, Federal, State and local and for contributions or donations to a committee of a political party.

And on those two last points, Mr. Chairman, my amendment sort of compliments and expands upon the Fossella amendment previously debated. So that there is a ban on foreign contributions. It will not be limited to just Federal elections but this extends all the way over to state and local. It would encompass all political campaigns in the country and political party campaigns.

I think the second addition is that my amendment is significantly different in that it prohibits individuals from soliciting or accepting foreign donations. Mr. Chairman, I think we have had the debate on the Fossella amendment.

I just point out, in conclusion, that basically I just move at the State and local level and then also talk about prohibits individuals from soliciting or accepting foreign donations.

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

The CHAIRMAN pro tempore (Mr. GIBBONS). Does any Member seek the time in opposition to the amendment?

Mr. STEARNS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS) to amendment No. 13 in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

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

Mr. STEARNS. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) to Amendment No. 13 in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) are postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. PICKERING TO AMENDMENT NO. 13 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHAYS

Mr. PICKERING. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. PICKERING to Amendment No. 13 in the nature of a substitute offered by Mr. SHAYS:

In section 506, strike ''Section 319'' and insert ''(a) IN GENERAL.—Section 319'', and add at the end the following:

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

(1) IN GENERAL.—Section 319 of the Federal Election Campaign Act of 1971 (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) 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 was aware of a high probability that the contribution originated from a foreign national.''.

(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.

The CHAIRMAN pro tempore. Pursuant to the previous order of today, the gentleman from Mississippi (Mr. PICKERING) is recognized for 20 minutes.

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

I rise today to offer this amendment on something that I believe, just as we saw on the previous amendment by the gentleman from Mississippi on the use of the White House as a means to raise contributions, that this is an area where we, too, can reach consensus.

Let me say, as I start the debate, that I want first to commend all the participants in the debate. I think this is a very important issue. Those who are proposing, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) although I profoundly disagree with their approach of reform and believe it is an infringement of constitutional rights and freedom, I do appreciate their intent and their motives.

But for those of us who disagree with their approach to reform, we are trying to find those areas where we have seen the gross abuses and violations and to

go back and find ways to close those loopholes, to bring greater credibility and to protect the intent and the purpose of the laws now existing on the books.

It is illegal to accept foreign contributions but in this past presidential election, we have seen case after case after case of illegal foreign contributions. And the reason tonight that I have this picture as I present the case for this amendment is that I think that it is probably the best picture, the best illustration that shows the case or describes the term willful blindness, turning a blind eye.

As many already know, there was a fund-raiser in a Buddhist monastery in California, and we have heard many different descriptions of that. But the purpose has become clear over the investigation that it was a fund-raiser, and it was an opportunity to launder illegal foreign contributions.

There was money changing in the temple. And just as in the bible story, the biblical story where we had the corruption in the temple, we have seen the corruption in our campaign process and election process through foreign contributions. And what is the consequence? We now have the investigations going forward on technology transfers and nuclear proliferation and the buying of access, the foreign access, and the possibility of subverting the policy decisionmaking in this administration, the buying of access illegally through foreign sources, and the willful blindness of this administration and the DNC to accept those contributions and have the corruption and the money changing in our election and campaign process.

This amendment is intended to stop those who in recent campaigns raised illegal campaign cash from foreign sources. It is obvious that the political committees operated without obtaining adequate information regarding the source of these suspicious donations. They had no system in place to check the validity of campaign cash.

It has been documented in the press and congressional investigations that Democratic activists not only brought in envelopes of cash and suspicious money orders. They also created a network of illegal foreign donors that supplied millions of dollars for the Clinton-Gore reelection campaign.

It has been documented that the FBI, the Bureau of Alcohol, Tobacco, and Firearms, the CIA, the National Security Council all raised concerns regarding the individuals that were associated with the Democratic Party and many of the contributions. There have been stories in the news regarding the improper use of the Lincoln bedroom, Air Force One, White House coffees and the White House staff arranging foreign trade missions for Democrat donors.

We know that the public will not tolerate such abuses of power because of the public outrage that we have seen, the intensive media coverage of the stories and the allegations and the abuses that was caused after the discovery that the DNC, President Clinton and Vice President AL GORE had attended fund-raisers that raised illegal foreign money.

Now, why is the original law on our books? Why do we ban illegal or foreign contributions? Because we believe that our national security is at stake. And that if foreign sources can influence U.S. campaigns, U.S. elections and U.S. policy, will it be our interests or China's interests that are being bought and sold? We must have this protection in place. And what we have seen time and time again is the willful blindness defense in relation to these foreign contributions. They did not know. Somehow they did not know that this was a fund-raiser. A blind eye.

Well, the American people will not accept us in this place in this House turning a blind eye to the corruption and the abuses that took place dealing with foreign contributions. My amendment will close that loophole, take away that defense.

One example of a conspiracy is to launder illegal funds with the DNC's fund-raiser at the Buddhist monastery in California. It is being investigated here in Congress. As a matter of fact, it was discovered during the Senate's recent investigation that this fund-raiser was organized by John Huang and Maria Hsai. They both have asserted their Fifth Amendment rights in the ongoing congressional investigation and Ms. Hsai was recently indicted by a Federal grand jury.

Again, Vice President GORE participated in this fund-raiser. But there were different stories and different accounts, different defenses used by the Vice President as this became public.

On Meet the Press, October 13, 1996, he said, We have strictly abided by all the campaign laws, strictly. There have been no violations.

Then on October 21, 1996, Mr. GORE stated that the DNC set up the event and asked me to attend it. It was not a fund-raiser. It was billed as a community outreach event. And indeed, no money was offered or collected at the event. But after the fact contributions were sent in. I did not handle any of this.

Then his story changes again. Finally, on January 20, 1997, Mr. GORE acknowledged that he knew the event was a fund-raiser. It was a mistake for the DNC to hold a fund-raiser event at a temple, and I take responsibility for my attendance at the event.

On February 14, 1997, the White House released documents that proved that the Vice President's office knew beforehand that the Huang event was a fund-raiser and the documents warned Mr. GORE to use great, great caution.

According to the February 10, 1998 edition of the Washington Post, Mr. GORE was informed through internal e-mail and memorandums by then Deputy Chief of Staff Harold Ickes that the event was a fund-raiser. Here are some interesting facts about the DNC fund-raiser at the Buddhist monastery. The cost per head was $2,500. The monks that donated to the DNC lived on a monthly stipend of $40.

The Senate investigation proved that the individuals were reimbursed for their donations. In other words, it was an illegal laundering of campaign contributions from questionable sources, many traced back to foreign donations or foreign money.

This event was videotaped by a private photographer. All copies of the videotape footage were taken from the production company by the Buddhist monastery and quickly shipped to Taiwan. The monk that took the tapes left the monastery after he learned the Senate Committee on Governmental Affairs served the monastery with a subpoena in search of those tapes. He has since disappeared and the videotapes remain hidden to this day.

But efforts to raise illegal campaign cash by the Democrats were not limited to this monastery. According to Bob Woodward, in the May 16, 1998 edition of the Washington Post, Johnny Chung, a Democratic fund-raiser, informed the U.S. Justice Department that a Chinese military officer who was an executive at the state-owned aerospace company gave him $300,000 to donate to the Democrats' 1996 campaign. As we know, the Chinese government's conspiracy to buy influence with Democratic leaders during the 1996 election has been well documented and will be fully investigated in this Congress.

As we look through the headlines today, it is overwhelming. The Washington Post, Saturday, May 16, Chung Ties China Money to DNC. New York Times, Democrat Fund-raiser said to Detail China Tie. New York Times, February 15, 1997, Clinton and Gore Received Warnings on Asian Donors. Chicago Tribune, Memos to Clinton Warned of Donors, Alarm Sounded Over Chinese Fund-raisers.

What is the defense? Willful blindness. Somehow they did not know.

Newsweek, White House Shell Game, Clinton Campaign's Frantic Fund-raising May Have Crossed the Line. The Washington Times, Huang's prodding for Lippo, an Indonesian company, verified. Washington Post, Scandal Alarms Went Unanswered. The Washington Post, DNC Acknowledges Inadequate Checks on Donors. The Washington Times, Foreign money scandal grows as $15 million offer is.

The Washington Post, Gore Community outreach Touched Wallets at Temple. The Washington Times, 31 Donors list DNC as Home Address.

It is the ''don't ask, don't tell'' policy of campaign fund-raising. I could go article after article after article until we are numb with the corruption. We simply want to protect our national security. We want to close this loophole. We want to take away this legal defense of willful blindness. The American people will not take a blind eye, neither should we.

I hope that we can have a consensus on this amendment that this defense will not be tolerated, will not be accepted and that we will close this loophole to make enforcement of illegal foreign contributions workable, doable and the law and practice of the land.

□ 2245

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

Mr. SHAYS. Mr. Chairman, if I could know the proper request. I am not sure I oppose this, but I would like to claim the time in opposition.

The CHAIRMAN pro tempore (Mr. GIBBONS). The gentleman may, under a unanimous consent request, claim the time in opposition.

Mr. SHAYS. I thank the Chairman, and I do request that.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Connecticut (Mr. SHAYS) is recognized for 20 minutes.

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

I understand the intent of the gentleman from Mississippi and agree with a good number of his remarks, but I would like him, if he would, to describe to me the term of art in section sub (b).

It shall not be a defense to a violation of subsection (a) that defendant did not know that the contribution originated from a foreign national if the defendant was aware of a high probability that the contribution originated from a foreign national.

Is this a term of art that is used that the courts have defined? Because I am not aware of it and, if so, I would like to know where it is used.

Mr. PICKERING. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Mississippi.

Mr. PICKERING. Mr. Chairman, my understanding is that it is a clarification of the ban on foreign contributions. The defense of the administration and many of those in the various investigations surrounding foreign contributions again go back time and time again to it was a lack of knowledge or it was a lack of a system of checks. But I believe it was a willful blindness, and this would simply take away that defense from those who are responsible in campaigns for raising money to know the source of the donors.

If we look at the RNC, in their past practices, they have set in place an elaborate system of checks on all donors, all sources, and especially if they have any potential relationship to a foreign contribution.

Mr. SHAYS. Reclaiming my time, Mr. Chairman, my question, though, still stands. I am aware of the terms knowing and willful. An individual has to know and has to be willful, and that is a term that has been defined by law in both the States and the Federal Government for a long time. I have never seen the concept of a high probability, and I am just interested if the gentleman, and this may be, in fact, what he decided to do, but is this a term of art that has been used in the past? I am not aware of it being used in the past. Or is this a term that the gentleman had to use to reach the conclusion he wanted to reach?

I would be happy to ask someone else if they wanted to respond. For the legislative record as well it would be helpful for us to have some definition of this term of high probability.

Mr. PICKERING. If the gentleman will continue to yield, the high probability would become the standard in these types of cases and it would, I believe, set a clearer standard than the one we have today. The high probability that the contribution originated from the foreign national would set the definition and the standard by what is responsible for those who are accepting and raising and soliciting foreign campaign contributions.

Mr. SHAYS. Would this be a term of art that the court would help us define or the FEC?

Mr. PICKERING. It could be done either way, as the litigation and the different challenges progress through the campaign FEC process and through the court process. But I do believe that we would find an answer to the gentleman's question as far as case law and precedent on the term high probability. I would be glad to work with the gentleman to answer that question.

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Chairman, I, too, could potentially support the amendment, but high probability, there is no legal texture to that. I do not believe that there is any case law that has been determined anywhere that I know of where high probability was the legal basis of anything.

Before I got here I was a prosecutor in Massachusetts. We had 13,000 cases a year. I think willfulness may be the legal term that we want, but I just do not know that there is any court that has ever defined from the legal perspective the term high probability. I do not know what high probability is.

High probability. If we get a contribution from someone whose last name is, I do not know, Chin, and there are a lot of Chinese people named Chin; is that high probability? If the court cannot define what a high probability is, then I think we ought to use a term that has a legal texture, a term that is in Black's Law Dictionary, a term that courts somewhere somehow have used to determine legislative intent.

Mr. LEVIN. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Michigan.

Mr. LEVIN. Mr. Chairman, let me ask the gentleman from Mississippi a friendly question so we understand this, and I guess the gentleman from Connecticut (Mr. SHAYS) will have to yield to him.

As I read this amendment, it says in the caption ''prohibiting use of willful blindness.'' The word willful is there, and then later on the term high probability. In order to violate this statute, would there have to be willfulness?

Mr. PICKERING. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Mississippi.

Mr. PICKERING. Yes, that would be the legal standard of a willful act.

Mr. LEVIN. If the gentleman from Connecticut (Mr. SHAYS) will continue to yield, is the gentleman from Mississippi (Mr. PICKERING) using high probability to mean willfulness?

Mr. PICKERING. The high probability, there would be a willfulness, and the willfulness would be determined in clause (b) by the probability that he should be aware.

For example, when Vice President GORE went to the Buddhist monastery, should he have had a high probability that that was a fund-raising event and, given the nature of that fundraiser, was there a probability that they could have received, since the nuns and the monks at that monastery live on about a $40 stipend, would a reasonable person, would a reasonable court decide that there was a probability that there was illegal laundering and that there was a probability of foreign sources in that contribution?

Mr. LEVIN. The gentleman's answer is that he should have a different standard than willfulness. Now, I am not sure how this was drafted, but maybe the thing to do is, if the gentleman wants to pass this amendment, understand its contradictions or take it back and try to rewrite it so that it does not have the inconsistencies. The caption reads the same way.

Mr. PICKERING. I do not see an inconsistency between willful blindness and a fleshing out of that. Was he aware of a high probability that a contribution originated from a foreign national? I do not see any inconsistency in that standard. It supports and, further, I think enhances the language of willful blindness.

There may be a case to what court precedent does it refer to, what standard and what definition, but I do think that the high probability supports the intent.

Mr. LEVIN. I think it would help if the gentleman could cite any noncriminal statute in this country that uses the term high probability; any civil statute that has the term high probability in it.

Mr. PICKERING. I will be glad to get back to the gentleman. I will ask the staff to research the matter.

Mr. LEVIN. Good. I thank the gentleman.

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

Mr. PICKERING. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Chairman, I do not know who is watching this, I hope

some of the Members are, but we just got a legal lesson and I do not know what these lawyers were talking about. I do know what willful blindness as a defense means from a personal common sense point of view. I also know what high probability means relative to a contribution originating from a foreign national. It is English language. It is a pretty high probability that if one goes to a Buddhist temple and gets all kinds of gifts and are told either verbally or in memos that it is a fundraiser, it is a pretty high probability the money is being raised there and it is a fundraiser.

Maybe 80 percent, 90 percent. I mean, if you have a friend by the name of Charlie Yah Lin Trie that you have known for 14 years, as a person that does nothing but business with Asian clients, and he comes and gives you $640,000, then there has got to be a high probability that it came from foreign nationals, and you cannot walk around and say, I was blind to that, even though it came on a check from a Chinese bank, wrapped in red Pagoda cigarettes or something.

If you have got a friend by the name of Paulene Kanchanalak, who is a lobbyist for Thailand and helped form a U.S. Thai business council and donated contributions to the DNC and had frequent contacts and coffees with John Huang, then it is a high probability that the money that you are getting comes from foreign nationals.

If you have a friend by the name of Johnny Chien Chuen Chung, a Taiwanese American from Torrance, California, and his company does business with foreign nationals and comes up with $366,000 for the Democratic Party, then it is a high probability that when you receive that along with all the other stuff you have received, that you probably, in high probabilities, know that it came from foreign nationals. You cannot walk around and say, oh, gee, I did not know that, and then get off, and then have your spin meisters run up and down Pennsylvania Avenue and get all kinds of interviews and try to cover-up the fact that you are taking money from foreign nationals.

If you have a friend by the name of Arief and Soraya, and I cannot even pronounce the last name, Wiriadinata, something like that, who donated $450,000 to the DNC and was friends with a guy named Johnny Huang, and later returned it because Wiriadinata could not explain where it came from, then probably there is a high probability that it is money from foreign nationals.

I could go on with John Lee and Cheong Am, Yogesh Gandhi, Ng Lap Seng, Supreme Master Suma Ching Hai and George Psaltis.

These are American names, I know, and a lot of them are Americans and American citizens, but many of them did business with foreign nationals and brought money to the DNC and others.

All this amendment does is give the opportunity or take away the defense, with all the legalese pushed aside, takes away the defense that says, oh, well, I did not know it. It did not seem proper to me but I did not know it. Therefore, I am not guilty for breaking the law.

We are just making it once and for all breaking the law.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I am glad to yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I know the gentleman did not mean it to sound this way but when I listened to it it sounded this way. It sounded like if you have a foreign name, there was a high probability they were foreigners.

Mr. DELAY. Reclaiming my time, I knew the gentleman from Connecticut would try to do that.

Mr. SHAYS. That is what it sounded like.

Mr. DELAY. That is not my point. My point is that the administration and the DNC knew exactly who these people were, had known them for many, many long years, knew their contacts and I guarantee the gentleman, knew where this money came from, and walking into a Buddhist temple knowing that it was a fund-raiser and then walking out and saying, oh, well, I just really did not know it was a fund-raiser and I did not know I was getting foreign nationals is not a defense against the guilt of breaking the law, and the gentleman from Mississippi is making sure of the fact that you cannot claim blindness when there is a high probability you know that you are breaking the law.

Mr. SHAYS. Would the gentleman yield? I will yield on my time.

Mr. DELAY. Okay.

Mr. SHAYS. If I may, I just would be happy to take some time here. The gentleman is not saying if you have a foreign name, there is a high probability?

Mr. DELAY. No, I am not saying that.

Mr. SHAYS. Okay. I just think the record needs to show that.

Mr. DELAY. I appreciate that. I yield back the balance of my time.

Mr. PICKERING. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN pro tempore (Mr. GIBBONS). The gentleman from Mississippi (Mr. PICKERING) has 2 minutes remaining, and the right to close. The gentleman from Connecticut (Mr. SHAYS) has 12 minutes.

Mr. SHAYS. Mr. Chairman, I am happy to yield such time as he might consume to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I thank my colleague for yielding.

The problem with the amendment, and we could come to some kind of an agreement, it seems to me, but the problem with the amendment is the term high probability is a statistical term. It has to do with the likelihood that something is going to happen. It is not a legal term. There is not any case, any civil case, there is not any criminal case. We cannot just be passing legislation. We have to take this seriously.

We should assume that this might become law. If we are doing that, we ought to sit down and come up with legislation and come up with wording in this instance that is something like this: That an individual knew or should have known. That is the legal terminology we should be able to sit down and come up with so we can have an agreement on this amendment. There is plenty of time in this debate to show photographs of the Vice President or anyone else for the political part of the argument, but it seems to me that it would be more constructive if we could work out language that we could come to an agreement on like knew or had reason to know.

There have been civil actions all over the country that people have been very successful on. There have been criminal actions people have been in.

□ 2300

It is knew or should have known, that is what the legal term is, but not high probability. I think we can work this out.

Mr. PICKERING. If the gentleman would yield, I would be glad to work with him. I think our intent is the same, to close this loophole, to take away this defense; and the language that my colleague suggested is something that I would be glad to sit down and work with him on.

I would add, though, that I believe we both understand the intent of this law. We have both seen the abuses. I think there is consent that we want to close that loophole and take away that defense, that we do not want to stand up here as American people, listen to this debate and say there is no controlling legal authority.

Mr. MEEHAN. Mr. Chairman, reclaiming my time, I think that is another amendment that we can get to. But I get the point. Hopefully, we will be able to work out the language on this.

I just do not want to see us accept all kinds of amendments and then have a high probability that it will all have to be thrown out once we finish with all this, because there clearly is a high probability that that would happen. But if we are looking at a legal term, I have a number that I can suggest and I think come to an accommodation.

Mr. Chairman, I yield the balance of my time to the gentleman from Connecticut (Mr. SHAYS), and I thank him for his patience.

Mr. BLUMENAUER. Mr. Chairman, if a modern day Rip Van Winkle tuned in today after napping for 25 years, who could fault him for immediately tuning out this debate on campaign finance reform? In 1971 and 1974 Congress passed campaign finance reforms that limited the amount of money in politics and, for the first time, required candidates to disclose the source of their money. The wisdom

and application of those reform efforts have been debated by Congress ever since—annually, emotionally, and with futility.

So, for the last 25 years, Congressional campaigns have been conducted under a set of rules that have become unenforceable (through systematic defunding of the Federal Elections Commission), weakened (by court decisions), and yet located at the heart of the American distrust with elected officials. The Harris Poll showed us earlier this year that 85 percent of Americans believe special interests have more influence than voters on this institution. Who can fault them when total campaign spending has risen from $115 million in 1975, to $450 million in 1985, and almost certainly to over $1 billion in this election? Is it any wonder that voter turnout is at an all-time low, and that respect for Members of this institution seems to rise only when we are not in session?

In my relatively short time in Congress, I have seen how campaigns are financed, and how that distorts the decision making process. We would not have nearly the number of people who die each year from tobacco related deaths if it weren't for the influence of tobacco money in politics. I see negative ads from anonymous sources tearing at the fabric of our society. I see honest men and women trying to buck a system that distorts and creates negative consequences. And I see my colleagues, including Mr. ALLEN, Mr. SHAYS, Mr. MEEHAN and others, devoting enormous time and creativity to meaningful reforms that don't tilt in favor of Republicans or Democrats, don't unduly help incumbents, but does cut down the pursuit of campaign money.

We now know how cynically the deck has been stacked yet again against reform. Those who look at the current system and see nothing wrong have a rule that permits them to call up 258 non-germane amendments, essentially talking reform to death. Those who argue that we need more money in politics are using their control over the calendar to prevent a House bill—should one miraculously pass—from reaching the Senate before adjournment.

Despite these shenanigans, Mr. Chairman, we are not going to give up. The opponent of reform may succeed in pushing campaign finance reform into the 106th Congress, but reform is not going to die. The American people know the system is broken, and at the very least, we are going to give them a series of votes so after all the debate, after all the stalling tactics and parliamentary maneuvering, it will be perfectly clear who squandered this opportunity, and why.

Mr. SHAYS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PICKERING) having assumed the chair, Mr. GIBBONS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PICKERING). The Chair desires to announce that pursuant to clause 4 of rule 1, the Speaker signed the following enrolled bill today: S. 2282, to amend the Arms Export Control Act, and for other purposes.

GENERAL LEAVE

Mrs. NORTHUP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2183.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kentucky?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

(Mr. HULSHOF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota (Mr. POMEROY) is recognized for 5 minutes.

(Mr. POMEROY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

(Mr. MINGE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOX) is recognized for 5 minutes.

(Mr. FOX addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. PETERSON) is recognized for 5 minutes.

(Mr. PETERSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FOWLER (at the request of Mr. ARMEY) for today on account of medical reasons.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 7:00 p.m. on account of physical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEVIN) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, today, for 5 minutes.

Mr. POMEROY, today, for 5 minutes.

Mr. MINGE, today, for 5 minutes.

Mr. PETERSON of Minnesota, today, for 5 minutes.

Mr. DAVIS of Illinois, today, for 5 minutes.

Mr. STRICKLAND, today, for 5 minutes.

(The following Members (at the request of Mrs. NORTHUP) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, July 15 and 16, for 5 minutes.

Mr. HULSHOF, today, for 5 minutes.

Mr. MILLER of Florida, July 15, for 5 minutes.

Mr. FOX of Pennsylvania, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LEVIN) and to include extraneous material:)

Mr. KIND.

Mr. FARR of California.

Mr. MILLER of California.