Heller
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Jackson (IL)
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Johnson (GA)
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Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
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Kildee
Kilpatrick (MI)
Kilroy
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King (IA)
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Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
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McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
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Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
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Scott (GA)
Scott (VA)
Sensenbrenner
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Sessions
Sestak
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Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
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Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Barrett (SC)
Blunt
Brown (SC)
Dingell
Hoekstra
Lofgren, Zoe
Napolitano
Visclosky
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1231

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING 50TH ANNIVERSARY OF UNITED STATES-JAPAN TREATY OF MUTUAL COOPERATION AND SECURITY

The SPEAKER pro tempore (Mrs. HALVORSON). The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1464) recognizing the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. KUCINICH. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PERMISSION TO CONTROL TIME IN GENERAL DEBATE DURING CONSIDERATION OF H.R. 5175

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent that, during consideration of H.R. 5175 pursuant to House Resolution 1468, the gentleman from Michigan (Mr. CONYERS), or his designee, may control 10 minutes of the general debate time allocated to the chair of the Committee on House Administration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 5175 and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DEMOCRACY IS STRENGTHENED BY CASTING LIGHT ON SPENDING IN ELECTIONS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1468 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5175.

□ 1235

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 consideration of the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes, with Mr. SALAZAR in the chair.

The Clerk read the title of the bill.

The CHAIR (Mr. SALAZAR). Pursuant to the rule, the bill is considered read the first time. Pursuant to the rule and the order of the House of today, the gentleman from Pennsylvania (Mr. BRADY) will control 20 minutes, the gentleman from California (Mr. DANIEL E. LUNGREN) will control 30 minutes, and the gentleman from Michigan (Mr. CONYERS) will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. BRADY of Pennsylvania. I yield myself 3 minutes.

Mr. Chairman, I stand with the American people and the House leadership in support of H.R. 5175, the Democracy is Strengthened by Casting Light on Spending in Elections Act, or the DISCLOSE Act.

The legislation is designed to bring greater disclosure and transparency to election spending. The importance of this objective was reinforced in the Supreme Court's accompanying 8–1 decision that reaffirmed ''the constitutionality and necessity of laws that require the disclosure of political spending.''

Our democracy requires transparency and accountability in our political campaigns. Knowing the source of political spending allows voters to investigate the motives and to better assess the truthfulness and accuracy of the claims of the spenders and the candidates.

The DISCLOSE Act is a careful response to address the likely consequences of the Citizens United decision. The bill enhances disclosure requirements for corporations, unions, and other groups that decide to make campaign-related expenditures or to transfer funds to other organizations for the purpose of engaging in campaign-related activity.

This improvement to current disclosure requirements allows voters to follow the money and ensure that special-interest money cannot hide behind

sham organizations and shell corporations. If outside groups spend their funds in campaigns, the Supreme Court has recognized it as essential to hold them accountable. Voters have a right to know who is trying to buy our elections.

The bill expands disclaimers to require CEOs or highest-ranking officials of organizations that sponsor political advertisements to record ''stand by your ad'' disclaimers as well as to protect taxpayer dollars from misuse by preventing certain government contractors and TARP beneficiaries from making campaign-related expenditures.

The DISCLOSE Act also closes a loophole created by Citizens United to ensure that foreign corporations and foreign governments are not able to influence American elections by spending unlimited sums through their U.S. subsidiaries or affiliates. By allowing these entities to fund campaign communications, foreign-controlled corporations could use potentially bottomless coffers to influence the course of political debate and play a role in writing U.S. policy.

Considerable attention has been focused on a narrow exemption included in the bill, which is designed to accommodate nonprofit issue advocacy groups, which long have participated in political activity of which its dues-paying members are aware of and support. To be eligible for the exemption, an organization must have more than 500,000 dues-paying members, with a presence in all 50 States, have had tax-exempt status for the previous 10 years, and derive no more than 15 percent of its funding from corporate or union sources. It cannot use any corporate or union money to pay for campaign-related expenditures.

The narrowness of the existing exemption will prevent future organizations from being formed to function only as ''dummy,'' or sham groups, existing only to make campaign expenditures but without needing to disclose their major funders.

□ 1240

Exempted groups will still be required to file publicly available reports disclosing their campaign-related expenditures, and the CEOs of these groups will still have to appear in and take responsibility for all campaign-related ads run by their group.

The CHAIR. The time of the gentleman has expired.

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield myself 30 additional seconds.

The DISCLOSE Act ensures transparency and enhances accountability. It provides prompt and honest disclosure of political spending by those seeking to influence our elections.

A total of six hearings were held in the House and Senate, with more than 36 expert witnesses testifying. Concerned citizens have been vocal about the potential consequences of the Citizens United decision, sending nearly 2,500 emails and making roughly 4,500 phone calls in 1 week to the Committee on House Administration, urging Congress to quickly consider legislation that addresses the loopholes created by the Citizens United ruling.

The CHAIR. The time of the gentleman has again expired.

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield myself 30 additional seconds.

This outcry of support reveals the DISCLOSE Act reflects the will of the American people and commands the support of their representatives. In addition, with 114 cosponsors and a broad spectrum of support, H.R. 5175 promotes openness in our politics. If Congress does not adopt the DISCLOSE Act, the public will be left in the dark to wonder whose interests are truly being served by a flood of negative advertising that will come to dominate campaigns.

I urge all Members to support this legislation.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chair, obviously, if you attempt to speak on the floor and your microphone is not near you or they have turned it off, you can't exercise your right to represent your constituents here—I yield myself such time as I may consume—and that is the problem with this bill. It does not allow the free exercise of the First Amendment right to speech.

The Constitution of the United States refers to that First Amendment. And, unfortunately, in many, many decisions by the Supreme Court, they've talked about everything other than political speech. Yet in the Citizens United v. Federal Election Commission case, the court finally got it right. The majority opinion says the First Amendment stands against attempts to disfavor certain subjects or viewpoints prohibited to or restrictions differing among different speakers allowing speech by some but not by others. Unfortunately, Mr. Chairman, that's exactly what this bill does.

Benjamin Franklin stated: Whoever would overthrow the liberty of a Nation must begin by subduing the freeness of speech. Unfortunately, that is what we have here before us, Mr. Chairman. Just because you call something ''disclose'' or ''disclosure'' does not make it so. When you prohibit speech, as has been done here; when you have onerous disclosure obligations placed on some but not all; when you make no distinguishing, that is, constitutionally justifiable distinguishing differences between groups, that is, you cause some to be subjected to provisions of disclosure and others not; when you specifically have five or six provisions in which you exempt unions as opposed to corporations of all stripes, then you have rendered the bill unconstitutional.

Mr. Chairman, I would have asked if it were proper to have a unanimous consent request to extend our debate for 4 hours, but I know that's not in order. The majority has decided to stifle debate by allowing only a single hour of debate on this issue dealing directly with the First Amendment. We have spent in excess of 10 hours in this Congress talking about the naming of post offices, but we have determined that we do not have more time than an hour to discuss something as important as the First Amendment to the Constitution.

When we allow ourselves to become an auction house for the First Amendment, where some, because of their power and influence, are allowed to exercise First Amendment rights, unfettered, and others are not, it is a sorry day. And to do it under the rubric of disclosure is even worse, but that's what we have here.

Mr. Chairman, in the time given to us, I hope that we can explain exactly what this bill does and what it does not do and why it, in fact, not only is dangerous to the First Amendment but is directed at the heart of the First Amendment, which is vigorous political speech, particularly close to an election. It may make some Members uncomfortable. As a matter of fact, in some of the hearings and markup of this bill, we had Members saying, If I had my way, I'd make sure no one could say anything about our campaigns except those of us who are candidates. Unfortunately, there's something called the First Amendment. And I know it's bothersome to some on the other side. I know it's an obstacle to what they want to do. But when I came here, I took an oath to uphold the Constitution and all parts, not just the Second Amendment by way of specific exemption, but of all amendments, the first as well as the second, and every other.

With that, I reserve the balance of my time.

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

Ladies and gentlemen of the House, this is the most disturbing debate that I have engaged in in the 111th Congress. And to hear what I've already heard from one of the most distinguished members of this Judiciary Committee is a little bit dismaying to me. Let me say this. I'll answer one of his questions. What does the bill do? And I agree, I'd love 4 hours. Perhaps we'll be debating this bill after the vote, regardless of its outcome.

This bill rolls back the decision—the blatant decision—of Citizens United in the Supreme Court by using the three tools that the Court said that we could do to make their decision different. First, we can increase disclosure; two, we can require disclaimer requirements on advertisements; and, three, we can limit foreign influence in our elections. One, two, three.

The danger of the Citizens United decision, the most shocking decision I have read in the Supreme Court in many, many years, is the threat of

groups who attack candidates for office without ever having to tell people which corporations are bankrolling these ads. This is what the DISCLOSE Act, the bill on the floor, is designed to prevent. This bill permits some long-established advocacy groups to forego some of the new disclosure requirements. But if these groups take more than 15 percent of their money from corporations, then all the requirements of the DISCLOSE Act kick in and they have to stand by their ads, just like candidates do.

In Citizens United, Justice Stevens, who argued with much more persuasive reasoning his position in this case, dissenting, said this: ''The Constitution does, in fact, permit numerous 'restrictions on the speech of some in order to prevent a few from drowning out the many; for example, restrictions on ballot access and on legislators' floor time.''

He stated that corporations are categorically different from individuals. Here's what he said: ''In the context of election to public office, the distinction between corporate and human speakers is significant. Although they make enormous contributions to our society, corporations are not actually members of it. They cannot vote or run for office. Because they may be managed and controlled by nonresidents, their interests may conflict in fundamental respects with the interests of eligible voters.''

□ 1250

And then he closed with this sentence: ''Our lawmakers have a compelling constitutional basis, if not a democratic duty, to take measures designed to guard against the potentially deleterious effects of corporate spending in local and national races.''

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

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield 4 minutes to the gentlelady from California (Ms. ZOE LOFGREN), a valued member of the Committee on House Administration.

Ms. ZOE LOFGREN of California. Mr. Chair, the Supreme Court's decision in the Citizens United case fundamentally altered the political landscape. As a result of the Court's ruling, all organizations, corporations and unions are free to take unlimited corporate money and make unlimited political expenditures. This could allow corporations to simply take over the political system.

According to a report released late last year by Common Cause, the average amount spent for winning a House seat in the 2008 cycle was $1.4 million. During the same cycle, Exxon-Mobil recorded $80 billion in profits. If ExxonMobil chose to use just 1 percent of their profits on political activity, it would be more than what all 435 winning congressional candidates spent in that election cycle, and that's just 1 percent of the profits of one corporation.

Now according to the Supreme Court, we cannot limit what corporations can say or what they can spend, but we can require them to disclose what they are doing to the American public. And I will read you what the Court said in its decision: ''The First Amendment protects political speech, and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.'' And that's what this bill does. It does exactly what the Supreme Court said that we could do and should do, and that is to require disclosure, to require transparency.

In the past, transparency has been a bipartisan issue. Senator MITCH MCCONNELL was quoted in April saying, ''We need to have real disclosure.'' Why would a little disclosure be better than a lot of disclosure? Republican leader JOHN BOEHNER in 2007 said, ''I think what we ought to do is we ought to have full disclosure.'' And went on to say, ''I think that sunlight is the best disinfectant.''

This measure, the DISCLOSE Act, has been supported by government reform groups, including Common Cause, the League of Women Voters, Public Citizens, Senate Majority Leader HARRY REID; and the chairman of the Senate Rules Committee have released a letter indicating their strong commitment to Senate action on the DISCLOSE Act. The White House strongly supports the DISCLOSE Act. The President says he will sign this bill when it comes to his desk.

Now, I ask my colleagues, will you stand with the American people in calling for disclosure and transparency in the political process, or will you allow corporations to overtake our democracy with the expenditure of undisclosed, limitless amounts of money? I think that we should stand with the American people. We should vote for the DISCLOSE Act. Disclosure is good. Voters need to know who is saying what.

Mr. DANIEL E. LUNGREN of California. At this time, Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. HARPER), a valued member of our committee.

Mr. HARPER. Mr. Chairman, if there is anything the hearings on this bill and the subsequent discussion taught us, it is that the bill is far from clear. The authors of the bill say it does one thing; the experts say it does another; the majority's own witnesses have said that it will be up to the FEC to decide what the language means.

This confusion and ambiguity would be bad enough in any bill, but it is especially bad here. This bill has implementing language that makes it take effect 30 days after enactment regardless of whether the FEC has published regulations. Indeed, one of the majority's witnesses said at a hearing that it would be next to impossible for the FEC to promulgate regulations before the November elections. That means as we move toward elections just 4 months away and Americans consider how to express their views, there will be no guidance to clear up the bill's ambiguity, no instructions for how to comply, and no way to participate in the political process with confidence that your speech will not land you in jail.

Mr. Chairman, this bill is going to impose civil and criminal penalties on speakers without them having any notice that their behavior may be against the law. What that means is that rather than exercising their First Amendment rights, speakers are just going to stay silent. As former United States Solicitor General Ted Olson stated at our committee's May 6 hearing, ''So we are saying that you have to guess what the law is because the government can't even tell you what the law is. And if you guess wrong, you may be sent to jail or you may be prosecuted.''

Those who seek to challenge this bill's ambiguous and potentially unconstitutional provisions in court are going to be faced with a judicial review process designed for delay and frustration. The procedure in this bill conflicts with the processes created in both the Federal Election Campaign Act and the Bipartisan Campaign Reform Act, opening the door to collateral litigation to decide what court to be in before the case is even heard. Section 401 of this bill is congressional forum shopping.

The only conclusion one can draw from the immediate implementation without regulatory guidance and the protracted court process is that this bill is designed to affect the outcome of the 2010 elections. Indeed, one need not guess to know that this is true. A letter sent earlier this week from Senate majority leadership to House majority leadership pledged to work ''tirelessly'' so that the bill ''can be signed by the President in time to take effect for the 2010 elections.''

And there it is, Mr. Chairman. The proponents of the bill want this House to pass legislation in time to affect the outcomes of the 2010 elections. They have refused our proposals to make this bill effective in 2011 because they want to change the law this year to affect this election—no matter that there will be no explanatory regulations and no review to ensure that the law complies with the Constitution.

The CHAIR. The time of the gentleman from Mississippi has expired.

Mr. DANIEL E. LUNGREN of California. I yield the gentleman 1 additional minute.

Mr. HARPER. So the end result is the bill's proponents are rushing it into effect before the regulators or the regulated community are ready, doing what they can to delay court review, and taking those steps despite their obvious expectation that parts of the bill will not survive judicial scrutiny. The only reason that makes sense has to do with the elections coming up in just over 4 months. The House should reject

this attempt to pass a law that can alter the outcome of its own upcoming elections, and let the voters decide this for themselves. I urge my colleagues to oppose this bill.

Mr. BRADY of Pennsylvania. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland, CHRIS VAN HOLLEN.

Mr. VAN HOLLEN. Mr. Chair, I want to start by thanking Chairman BRADY, Ms. LOFGREN, and the other members of the committee, as well as Chairman CONYERS, Mr. NADLER, and those on the Judiciary Committee, and to MIKE CASTLE and all the other cosponsors of this legislation, which addresses the very serious threats to our democracy created by the Supreme Court's decision in Citizens United, which in a very radical departure from precedent said that major corporations, including foreign-controlled corporations operating in the United States, will be treated like American citizens for the purposes of being able to spend unlimited amounts of money in our elections.

This bill addresses this issue in three ways. First we say, if you're a foreign-controlled corporation—if you are British Petroleum, if you are a Chinese wealth fund that controls a corporation here in the United States, if you are Citgo, controlled by Hugo Chavez, you have no business spending money in U.S. elections overtly or secretly. And if we don't do something about that now, they will be able to do either of those things.

□ 1300

Number two, we say if you are a Federal contractor, if you are getting over $10 million from the American taxpayer or you are AIG, you shouldn't be recycling those moneys into elections to try and influence the body that gave you the contracts because there is a greater danger of corruption in the expenditure of those moneys.

Third, we require disclosure. We believe that the voter has the right to know. You would think from the comments from the other side of the aisle we are restricting what people can say. That is not true. You can say anything you want in any ad you want. What you can't do is hide behind the darkness, not tell people who you are. Voters have a right to know when they see an ad going on with a nice-sounding name, the Fund For a Better America, they have the right to know who is paying for it. They have a right to know if BP is paying for it. They have a right to know if any corporation or big-bucks individual is paying for it because it is a way to give them information to assess the credibility of the ad.

You vote ''no'' on this, you are saying go ahead and spend millions of dollars, corporations or individuals, and say whatever you want, which is fine, but we are not going to let the voters know who you are. That is what a lot of these interests want. And the reason the League of Women Voters—no big special interest group there—League of Women Voters, Common Cause, Public Citizen, Democracy 21, all of the organizations that have devoted themselves to clean and fair elections support this legislation because they understand that the American voter has a right to know who is spending all of these moneys on these ads, and they don't want foreign-controlled corporations dumping millions of dollars into U.S. elections.

So, my colleagues, I hope we will move forward on this to make sure that the voice of citizens is not drowned out by secret spending by the biggest corporations, including foreign-controlled corporations.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the chairman of the Constitution Subcommittee, the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. Mr. Chairman, I rise in support of the DISCLOSE Act.

Earlier this year, a majority of the Supreme Court reversed decades of precedent and struck down a whole series of reform laws limiting the influence of corporate money in elections. The court ruled that corporations are people, just like you and me, and have a corresponding absolute constitutional right to pump as much money as they want into our elections. It revived the fears of concentrated corporate powers, distorting our democratic process, fears that have been held by believers in a republican form of government from the days of Jefferson and Madison and Jackson.

The very real danger now is that corporations will be able to use vast sums of concentrated money to further corrupt our political process and drown out the voices of everyone else. Without action, as a result of this latest activist Supreme Court decision, our electoral system will once again be at the mercy of large moneyed interests.

This bill takes several critical steps to reclaim our elections. The most important one is that it would require disclosure by corporations and labor unions of donors providing money for political purposes in certain circumstances, and would mandate that corporate CEOs appear in company political ads to say that they ''approve this message,'' just as candidates would do.

With these and several other provisions, the DISCLOSE Act will constitutionally set some limits on the role of big money in politics, not by limiting the corporate money, unfortunately, but by requiring disclosure of the sources of the corporate money, and thus providing voters with valuable information on which wealthy interests are behind which political advertising so voters can better evaluate that advertising.

I know many people on the other side of the aisle who opposed contribution limits previously, in the McCain-Feingold Act, for instance, always said, Don't limit political expenditures. The solution is disclosure. Let people know who is sponsoring the ads, that will safeguard the integrity of our elections. Well, I don't think disclosure is enough, but it is all the Supreme Court will allow us to do. And to hear all of the people on the other side of the aisle now, people who argued for disclosure for years, now suddenly claim that requiring disclosure is a limit on free speech is very disturbing, to put it mildly.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 1 minute.

Mr. NADLER of New York. It is important that voters know whether the ad sponsored by Citizens for a Clean Environment are really bank-rolled by British Petroleum, or perhaps by the Sierra Club, in order to judge the ad's credibility.

Now, I know there is a great deal of concern by some people about one part of the legislation which would exempt the category of organizations from the obligation to disclose their contributors, not from other obligations of the bill, but from the obligation to disclose their contributors. By limiting the exemption of this one requirement to include only those organizations which have been in existence for at least a decade, have 500,000 dues-paying members, have dues-paying members in each of the 50 States, and receive no more than 15 percent of their funding from corporations and unions, the bill would still require disclosure from the kind of corporations who seek to buy elections secretly and with unlimited cash. We cannot allow the perfect to become the enemy of the good. The DISCLOSE Act would make a vast and substantial difference in protecting the integrity of our elections, and I cannot think of a more important bill if this country is going to remain a democracy with a small ''d'' and not a captive of large corporations.

I urge all of my colleagues to support this bill despite its imperfections.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MCCARTHY), a valued member of our committee.

Mr. MCCARTHY of California. Mr. Chairman, just a block away from this Capitol stands the Supreme Court. Like many other courthouses across this country, it bears the image of the Goddess of Justice. Many of you know the statue. She holds a set of scales symbolizing the fairness and equality of law. She wears a blindfold symbolizing impartiality. Unfortunately, this bill does not represent either of those issues.

Like so many other bills this House Democratic leadership has forced onto the floor, this bill suffers the same taint. The provisions in this bill are a result of backroom negotiations and special deals to exempt some powerful interest groups at the expense of smaller ones.

But the unfortunate thing about this bill today is rather than respecting the First Amendment promise to protect the speech of all Americans, it attempts to use the First Amendment as a partisan sledgehammer to silence certain speakers in favor of others, especially unions.

Mr. Chairman, this bill bans corporations with government contracts over $10 million from political speech. The sponsor says that is because those contractors might try to influence decisions by government officials. But this bill does nothing for the labor unions who are parties to collective bargaining agreements with the government. Even though unions have huge amounts of money at stake and every incentive to influence decisions about the contracts by government officials, it does nothing.

We offered an amendment to uphold fairness and equality, but that was rejected in committee.

A second example, Mr. Chairman, is we all agree that foreign citizens shouldn't influence our elections, whether they are foreign citizens that are part of the foreign corporation, or foreign citizens that are part of a union with interests in the United States.

This bill requires CEOs to certify, under penalty of perjury, that their companies are not foreign nationals, under the newly expanded standard of the bill. But the bill does nothing to ensure that when labor unions are spending money on elections, that money did not come from people who are themselves prohibited from spending money to influence American elections.

Again, we offered an amendment to treat corporations and unions equally under the bill by requiring the same certification of labor union chiefs, but again, it was rejected.

Mr. Chairman, a third example: I point to the centerpiece provision of this bill, the so-called disclosure requirement. The bill requires organizations to disclose information about the individuals who gave more than $600. But the Federal Election Committee asked everybody else to do it at $200.

The CHAIR. The time of the gentleman has expired.

Mr. DANIEL E. LUNGREN of California. I yield the gentleman an additional 1 minute.

Mr. MCCARTHY of California. As one of the majority members of our committee asked, Where did that number come from? Well, it is just high enough to make sure that unions will not have to report any of their dues, because as you see, the average for a union is $377 in 2004, so it treats them different than we treat every other American and every other campaign. So while candidates and political parties have to itemize contributions from donors above $200, we have a different rule in this bill, a rule apparently designed for the convenience of unions.

Again, we offered an amendment to make this disclosure requirement the same as how all Federal laws have long required disclosure of donors to candidates and political parties, but again, it was rejected.

□ 1310

Rather than spending time today listening to Americans and addressing the number one priority in this country, helping to create jobs and grow our economy, again and again I watch this Congress mired in its own partisan priorities. I listened to the gentleman from Maryland. He happens also to be the chairman of the Democratic Congressional Committee.

The CHAIR. The time of the gentleman has again expired.

Mr. DANIEL E. LUNGREN of California. I yield the gentleman 30 additional seconds.

Mr. MCCARTHY of California. As I listened, I remembered last week as we sat on this floor thinking this bill would come together, but the backroom deal was not done. As I started the speech, thinking of the Goddess of Justice, and I go through this bill, the blindfold is taken off and the thumb is put on the scale to weigh to one side. This does not honor the First Amendment. This does not honor the fairness of what this building represents.

I ask for a ''no'' vote.

Mr. BRADY of Pennsylvania. Mr. Chairman, I am pleased to yield 2 minutes to the gentlelady from California (Mrs. DAVIS), another valued member of the House Administration Committee.

Mrs. DAVIS of California. Mr. Chairman, I rise today in support of the DISCLOSE Act. Under current law, yes, it is correct that groups must disclose their name in advertisements and file a disclosure form, but, you know, that doesn't tell anyone very much at all.

Right now, voters see TV ads sponsored by organizations they have never heard of, groups like the American Future Fund, American Leadership Project, Citizens for Strength and Security, Common Sense in America, and today I am getting calls from the Campaign for Liberty. But they will not tell us who they are. Does anybody know who they are?

In 2008, there were over 80 of these groups, and they bought $135 million in advertisements. I, for one, don't think our constituents should go through another election cycle in the dark. Voters want to know: Who's behind that ad? Who stands to gain from it? Why isn't an actual person, a corporation, or a union taking responsibility for it? The DISCLOSE Act will finally put that information in voters' hands with tough disclosure and disclaimer requirements.

I want to tell you because the DISCLOSE Act also sets some important limits to protect taxpayer dollars. I ask those opposed to the bill: Do we want ads from banks that still have TARP funds? Do we want subsidiaries of foreign-controlled companies meddling in our elections? Well, I would think the answer is clearly ''no.''

The DISCLOSE Act is just like other consumer protection bills this body has passed. I can think of no single time that I regretted giving my constituents more information so they can make wise, informed decisions.

Mr. BRADY of Pennsylvania. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Mexico (Mr. TEAGUE).

Mr. TEAGUE. Mr. Chairman, I rise today in strong support of the DISCLOSE Act, a bill that I am proud to cosponsor. Several months ago, in the Citizens United case, the Supreme Court made a dangerous decision to allow unlimited corporate and union money into our elections. The consequences of this decision for our democracy are dire.

Unless we act, massive corporations can secretly funnel hundreds of millions of dollars through shadowy front groups to influence elections. A foreign company like British Petroleum could even retaliate against Members of Congress who want to hold them accountable by secretly funding millions in attack ads.

If we don't act to stop this injustice, limitless corporate money will flood into our political system and drown out the voice of the American people. Debates between citizens will be replaced by hours of televised ads secretly funded by corporate interests.

Some people say this is a First Amendment free speech issue. Of course it is. The court decision actually lets foreign corporations influence our elections. What this bill does is protect the speech of American citizens.

Mr. Chair, the DISCLOSE Act says free speech is for people. The DISCLOSE Act also says pick a side. Do you support protecting the voice of the American people?

I ask everyone to support the bill.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, at this time I yield 2 minutes to the gentleman from Texas (Mr. SMITH), the ranking member of the Judiciary Committee.

Mr. SMITH of Texas. Mr. Chairman, first of all, I want to thank the ranking member of this committee, and my colleague on the Judiciary Committee, for yielding me time.

Mr. Chairman, earlier this year, in Citizens United v. Federal Election Commission, the Supreme Court struck down several provisions of Federal law on the grounds they violated organizations' First Amendment rights. Yet the DISCLOSE Act would subject corporations and other organizations to yet more regulations that unduly restrict their freedom of speech. It would do this while unfairly sparing unions and other preferred groups from the same regulations.

This legislation is plainly unconstitutional. The DISCLOSE Act would unconstitutionally ban political speech by government contractors and companies with as much as 80 percent ownership by U.S. citizens. It would unconstitutionally limit the amount of information that organizations can include

in ads stating their political opinions. It would unconstitutionally require the disclosure of an organization's donors, in violation of their right to free association. And it would unconstitutionally exempt favored organizations from its requirements.

The DISCLOSE Act is unconstitutional, and it should be soundly rejected by the House today.

Mr. CONYERS. Mr. Chair, I am pleased to yield 1 minute to JARED POLIS of Colorado, a great member of our committee.

Mr. POLIS. Mr. Chairman, I rise in strong support of H.R. 5175, the DISCLOSE Act.

Corporations are not human beings. Corporations may employ and be owned by human beings, all of whom in their individual capacity enjoy their constitutional rights, but corporations themselves are not alive. Their mothers can't die of cancer. Their sons can't be sent off to war. Corporations are political zombies, knowing only the pursuit of the flesh of profit, which is fine in an economic context, which is the economic reason that corporations exist. But in the political context, there is negative civic value to such advocacy, especially without the reasonable restrictions that were tossed out by the recent Supreme Court decision in Citizens United v. FEC.

In a capitalist system, when government gives politically connected corporations an advantage over their less politically connected competitors, everyone suffers, and it undermines the confidence of liberals, conservatives, all citizens. That's why the DISCLOSE Act is so urgently needed: to provide safeguards, disclosure about the flood of special interest money into our elections, and to protect the free speech of individual Americans.

Mr. BRADY of Pennsylvania. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Mr. Chairman, I rise today to strongly support H.R. 5175, the DISCLOSE Act. The Supreme Court's decision in Citizens United was disastrous and gave corporations not just the rights of persons, but way more rights than persons have. You or I as an individual, any citizen, has a limit on how much they can donate in any given campaign cycle; whereas, under the current court decision, corporations have no limit.

One of the most important provisions of the bill we are talking about would prevent foreign-owned companies from buying U.S. elections. And I would like to thank Chairman VAN HOLLEN's willingness to work with me in including a similar provision in the bill to one that I introduced in my Freedom from Foreign-Based Manipulation in American Elections Act, to prevent companies like BP from deciding who is elected to Congress.

This should be about representing our people, and our friends on both sides of the aisle like to say that we represent the people. Well, a poll just came out showing 87 percent of Republicans and 91 percent of Independents—91 percent of Independents—support this bill.

I urge all Members to vote for it.

□ 1320

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Chairman, there has been a discussion about the different groups that support this bill. Interestingly enough, as debate started on the rule today, we have received word from 18 more groups that they oppose this bill. Now we're up to 456 groups that oppose this bill officially, including the American Civil Liberties Union, National Right to Life, and the Sierra Club.

Let me quote, if I might, from the ACLU's letter that is dated June 17, 2010, because much has been made on the other side of the aisle of groups that support this, but yet why not talk about groups that are known for protecting the First Amendment. The ACLU says in their letter:

''To the extent that restrictions on free speech might be tolerated at all, it is essential that they refrain from discriminating based on the identity of the speaker.'' And they're referring specifically to this bill.

''The ACLU welcomes reforms that improve our democratic elections by improving the information available to voters. While some elements of this bill move in that direction, the system is not strengthened by chilling free speech and invading the privacy of even modest donors to controversial causes.''

That, of course, refers to the seminal case on this by the Supreme Court and I believe in 1948, NCAA v. Alabama where they showed that revelation of members or donors to certain groups that are disfavored can lead to intimidation.

They go on to say here: ''Indeed, our Constitution embraces public discussion of matters that are important to our Nation's future, and it respects the right of individuals to support those conversations without being exposed to unnecessary risks of harassment or embarrassment. Only reforms that promote speech, rather than limit it, and apply evenhandedly, rather than selectively, will bring positive change to our elections. Because the DISCLOSE Act misses both of these targets, the ACLU opposes its passage and urges a 'no' vote on H.R. 5175.''

I made a mistake earlier when I referred to the amount of time we are allowed to debate the naming of post offices in this Congress. As a matter of fact, 41 hours have been granted by the Rules Committee or under suspension under our rules to the debate on the naming of post offices, but we could only give 1 hour to this debate.

Ironic, isn't it, that they talk about this being the DISCLOSE Act. The guts of the bill were not disclosed to those of us on the committee. I even asked if I could see a copy. In fact, I asked a Member of this House who had received a copy, and he was told that he was prohibited from showing it to those of us on the Republican side because the leadership on the Democratic side did not want us to know what they were doing.

The DISCLOSE Act? They didn't disclose the actual bill that we have here until 2 hours before we went to the Rules Committee yesterday. And maybe one of the reasons they didn't want to disclose it is that in addition to those exemptions specifically given to labor unions, allowing labor unions to be exempt from the disclosure that all other—not just the major corporations you keep talking about. Remember, corporations are the usual associated legal apparatus used by most advocacy groups. So that's who you are talking about.

And you keep saying, well, you can have foreign companies and foreign countries under this decision by the Supreme Court control the message and campaign. That's just utterly untrue. It's not allowed by law before. It wasn't changed by the Supreme Court decision, and so at least you ought to talk about what the law is. It is not true. That's a dog that won't hunt, and you keep putting it up here and you keep putting it up here, and either you haven't read your own bill, you haven't read the Supreme Court decision, or there's an attempt to not tell people exactly what is happening.

But one of the reasons I believe that perhaps we didn't get an opportunity to see the latest version of the bill is because it contains a huge, new, big union loophole; and it allows the transfer of all kinds of funds, unlimited funds among affiliated unions so long as not a single member is responsible for $50,000. I doubt that many members are responsible for $50,000, which means there will be no limitation whatsoever with respect to unions here.

So let's get the facts straight. There was an auction in this House behind closed doors. Certain groups won the auction; other groups did not. That's one of the reasons the ACLU is against it. That's why we should be against it.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 45 seconds to the gentleman from Georgia (Mr. JOHNSON), the distinguished subcommittee chairman on Courts and Competition.

Mr. JOHNSON of Georgia. Let's get right down to it. Why are the Republicans opposed to restricting campaign donations in American campaigns both local, State, and Federal? Why? It's because Republicans favor Big Business and Big Business favors Republicans. With all of these unlimited dollars flowing through, we'll see more Republicans getting elected, both local, State, and Federal.

What it means is that BP, a corporate wrongdoer, foreign corporation,

can influence elections. It means Goldman Sachs and other corporate miscreants can influence elections, no limit, no boundaries. That's what will happen if we don't pass the DISCLOSE Act.

Mr. BRADY of Pennsylvania. Mr. Chairman, may I inquire how much time is left?

The CHAIR. The gentleman from Pennsylvania (Mr. BRADY) has 6 minutes, the gentleman from Michigan (Mr. CONYERS) has 45 seconds, and the gentleman from California (Mr. DANIEL E. LUNGREN) has 11 minutes remaining.

Mr. BRADY of Pennsylvania. Mr. Chairman, at this time, I am pleased to yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the DISCLOSE Act. I would like to thank Mr. VAN HOLLEN and his office for their work on this as well.

I believe that this is relatively simple. I think that all of us in this country have a right to know who is putting forth ads for or against candidates as the campaigns run on. We do that as elected officials. The political parties do that. We also file all those who contribute money to us above certain amounts, and that I believe also should be done.

This act that we are trying to pass basically is one of transparency. You can call it DISCLOSE, whatever you wish; but it basically indicates that foreign corporations cannot spend dollars in U.S. elections, and Federal contractors cannot get involved. But those who can, the corporations, unions, not-for-profits, must disclose who is paying for it in terms of the CEO coming forward and major contributors being posted so that people know who is paying for it.

It does not limit what they can say. I do not believe it's in any way a violation of the First Amendment as has been stated here on repeated occasions.

I will be the first to tell you I do not like the manager's amendment that was in the rule with respect to the exemptions for certain entities—not because there's anything wrong with the entities—but my judgment is this should be applicable to everybody who would fall into these categories. Perhaps that will be fixed in the Senate.

□ 1330

But the bottom line is, this is a disclosure act so that the people of this country will know who is advertising. We've all been subjected to it. We've all seen these ads where you wonder just who is running that ad, and now we'll have a pretty good idea. I hope our body will support it.

Mr. DANIEL E. LUNGREN of California. I would extend 1 minute of my time to the gentleman from Michigan, who I understand needs more time.

Mr. CONYERS. Could the gentleman spare us a couple minutes?

Mr. DANIEL E. LUNGREN of California. Well, let's start with 1 minute and we'll see where we go from there.

The CHAIR. The gentleman from Michigan is recognized for 1 minute.

Mr. CONYERS. I am very pleased now to yield 1 minute to the distinguished senior member of the Judiciary Committee, SHEILA JACKSON LEE of Texas.

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Chairman, for your leadership and boldness on this issue.

Mr. Chairman, I hold in my hand a version of the Constitution that is in this very distinct book of rules. And clearly I think it is important for the American people to understand really the action items of this legislation.

Can you imagine a government contractor being paid by your tax dollars—they might be doing the right thing, we don't know—but advocating with your tax dollars for a position you do not want without you knowing that that is occurring?

This bill is under the First Amendment because it says that we give you more transparency. If we read the Constitution in its entirety, the opening says that ''We have come together to form a more perfect Union.'' That means if people are dissatisfied with this bill, they have a right to petition the courts. But we believe we are erring on the side of rightness, breaking those bold chains of big money around your neck and allowing people to either be elected or run for office, dominated, slammed down on the basis of big money.

This is a good change. I ask for my colleagues to support this legislation.

Mr. Chair, I rise in strong support of the DISCLOSE Act, H.R. 5175. I have said repeatedly that this has been one of the most difficult decisions of my political career. However, I strongly believe that if we do not support H.R. 5175, we will be overwhelmed during this election cycle by the richest corporations and individuals in the U.S. I do not believe we will be able to even begin to estimate how much might be spent in the mid-term elections.

I do know that without some mechanism to prevent political opponents from tapping into an unlimited supply of cash, we will be setting the stage for our own demise, as well as a dangerous precedent for future elections. U.S. politics will never be the same after the mid-term elections if we do not pass the DISCLOSE Act.

Of course, arguments have been made involving the First Amendment. Many arguments opposing the bill on constitutional grounds are legitimate. Yet, these arguments negate the fact that the DISCLOSE Act will actually expand First Amendment rights that might otherwise be drowned out because the legislation provides fair access for all parties, while breaking the chain big money has in American politics. Sitting on the fence on this bill might be considered tempting, although if we sit on the fence today we will pay a price tomorrow.

While the DISCLOSE Act exempts large established 501(c)(4) from some of the bill's disclosure requirements, it addresses the fundamental issue of eliminating the possibility that a rich corporation or individual can hide behind their money. Transparency as it relates to campaign financing is the principle behind the DISCLOSE Act.

After years of the Abramoff scandal, special interests lobbyists writing legislation and an explosion of earmarks, the New Direction Congress is working to restore honest leadership and open government.

Congressional Republicans support Wall Street banks, credit card companies, Big Oil, and insurance companies—special interests that benefited from Bush's policies and created the worst financial crisis since the Great Depression—and are working to be rewarded by their corporate friends.

The DISCLOSE ACT will accomplish a number of things, including:

Prevent Large Government Contractors from Spending Money on Elections: Prevents government contractors with over $10 million in contract money from making independent expenditures and electioneering communications. Before the Citizens United case, corporations could not make political expenditures in federal elections.

Prevent TARP recipients from Spending Money on Elections: Prohibits bailout beneficiaries from making independent expenditures or electioneering communications in federal elections until the government money is repaid.

Limit Foreign Influence in American Elections: Extends existing prohibitions on campaign contributions and expenditures by foreign nationals to domestic corporations in which foreign nationals own more than 20% of voting shares, make up a majority of the board of directors, and/or have the power to dictate decision-making of the domestic corporation.

Strengthen Disclosure of Election Ads: Expands electioneering communications that must be disclosed under the bill to broadcast ads referring to a candidate in the 120 days before the general election, expanded from 60 days before the general under current law.

Mr. BRADY of Pennsylvania. Mr. Chairman, I am pleased again to yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the chairman for yielding.

I just want to emphasize again, as Justice Stevens pointed out in his dissent, that the Supreme Court decision did open the door to foreign-controlled corporations spending money directly in U.S. elections. If you have a U.S. subsidiary of a foreign corporation that's controlled by that corporation, when the Supreme Court essentially said all corporations could spend money directly in U.S. elections, they opened the door very clearly to that. And it's an area where it's also clear Congress can move to legislate.

Number two, it's no surprise that you have lots of organizations on the right and the left—love what they stand for or hate what they stand for—that are opposing this bill because they don't want voters in many instances to know who is funding their ads. That's not a surprise at all. That's why those organizations who are devoted solely to clean campaign elections, like the League of Women Voters and Common Cause, are for this bill while all the others are against it.

Let me say something with respect to unions. There is no such thing as a U.S. subsidiary of a foreign union. So this is a red herring issue.

Second, under U.S. law, we have never defined collective bargaining agreements as Federal contracts like those contracts that go to the corporations themselves.

Number three, I draw to the attention of the body a statement that was made by Trevor Potter, President of the Campaign Legal Center, who was the Republican Commissioner on the FEC, the Federal Election Commission, from 1991 to 1995, who said, ''This bill requires funding disclosure for all election advertising—union and corporate,'' and goes on to say, ''Based on the legislative language's equality of treatment, claims of union favoritism seem to be unsupported efforts to discredit the bill and stave off its primary goal: disclosure of those underwriting the massive independent expenditure campaigns that are coming to dominate our elections.'' That's the Republican commissioner.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I find it instructive that one of the Members on the other side of the aisle, when she got down here to talk about the Constitution, said, I have this version of the Constitution. As far as I know there's only one version of the Constitution, except if you happen to be on the majority side dealing with this bill. Why do I say that? Because the Constitution very clearly in the First Amendment says, ''Congress shall make no law''—no law—''abridging free speech.'' What is it about ''no'' that you don't understand—I would say rhetorically because I can't address the majority on this floor. But I would say, if I could, what is it about ''no'' that you don't understand? It says no law.

Now, if some would say, well, wait a second, the courts do allow some laws in the area of campaign finance and disclosure and so forth; yes, they do. But what are they predicated on? They say the countervailing principle or concern about corruption or the appearance of corruption. That's the only basis upon which you can create these laws. And they, therefore, say you can not distinguish between two sets of groups where that same analysis would come forward. In other words, you can't say we're going to favor unions but disfavor corporations who stand essentially in the same shoes in the area of potential corruption. They say if you have a government contract over $10 million—and they started at $5 million, now they're up to $10 million to include certain groups, we're not sure exactly who they are, but there have been some whispers as to who they are—but the whole argument is that there is a potential corruption between those who have government contracts and those who might have influence in giving those contracts. So we said, okay, what about unions that represent the workers for those companies whose pay comes from the taxpayers by virtue of these contracts? It's the same argument. And they said, oh, no, we can't do that, that would be unfair to unions. And we said, what about the fact where you have union bargaining agreements with government entities, wouldn't that be the same? Oh, no, no, that's different than corporations. What's the basis? There is no basis. And what they do, by the terms of the bill, is render this bill unconstitutional because the courts say you can't distinguish among different groups unless you use the same basis.

And they use the highest level of scrutiny, strict scrutiny. Why? Because it involves an essential right protected under the Constitution. That's what is so disturbing here today, not because we disagree on the legislation because we do that often, but the fact of the matter is that we are so cavalierly dealing with the First Amendment. We are so cavalierly dealing with free speech. We are so cavalierly dealing with essential political free speech, particularly when it's involved in elections. That's when it's most important. And yet we have seen a bidding war here, an auction—not on the floor because it took place behind closed doors—and yet we're told—just look at the title, look at the title. You know, if you put the name Cadillac on a Yugo, it would still be a Yugo. If it can't drive, putting another name on it is not going to make it better.

And to say this is the DISCLOSE Act when you refuse to disclose the parts of it to us until 2 hours before the Rules Committee yesterday undercuts everything you argue that this bill is about. This is not sunlight. This is putting some in the cellar where there is no light and others get the light. This is allowing some to be involved in the debate and others not.

Our Founding Fathers did not think the antidote to bad speech was to prohibit speech. It was to encourage robust debate and give others the opportunity. We can agree on disclosure, but not when you bring it in this form because it isn't disclosure that is fairly imposed on all parties.

And I am sure of this; this will be declared unconstitutional. But the dirty little secret in this is you have put in here the appellate process so it won't be decided until after this election, so that those who should be able to exercise their First Amendment rights will be afraid to exercise them for fear they might make a mistake. What a tragedy. What a travesty.

We should do better on this floor. We owe it to ourselves. And if we don't think we're worthy, maybe the Constitution is worthy. Maybe our constituents are worthy. To hide behind the words ''disclosure'' and ''disclose'' when in fact that's not what you're doing is the ultimate in insult to the Constitution.

□ 1340

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

Members of the House, I have been on the Judiciary Committee longer than anyone in the House of Representatives. Save one other court decision, there has been no decision that they have ever rendered that I have considered more abhorrent and more onerous than the results that will flow from this measure of the Citizens United decision. I say that because what we are doing is a matter of whether corporate control of the body politic now goes completely and totally without any halt or reservation whatsoever.

So, please, support this measure.

The CHAIR. The time of the gentleman has expired.

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

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, at this time, it is my distinct honor to yield 1 minute to the distinguished leader of the Republicans here in the House, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. I want to thank my colleague for yielding.

''Congress shall make no law abridging the freedom of speech.''

We all know that that is part of our First Amendment to the Constitution. It is first for a reason, because freedom of speech is the basis for our democracy, but today, the majority wants to pass a bill restricting speech, violating that very First Amendment to the Constitution. Oh, no, they don't want to restrict it for everyone. They want to use their majority here in the House to silence their political opponents, pure and simple, for just one election.

Is there any other explanation for this bill? Is there any other reason why, under this bill, small businesses will get muffled, but big businesses are going to be fine? Labor unions, they're not going to have to comply with this. They are exempted from this. They are going to get their rights protected.

Why is the National Rifle Association protected but not the National Right to Life organization? Obviously, no one wants to answer.

The National Rifle Association is carved out of this bill, and they get a special deal. Now, the NRA is a big defender of the Second Amendment of the Constitution—the right to bear arms. Yet they think it's all right to throw everybody else under the table, so they can get a special deal, while requiring everyone else to comply with all of the rules outlined in this bill. Frankly, I think it is disappointing.

Why does the Humane Society of America get to speak freely but not the national Farm Bureau? Why does AARP get protected under this bill, but if you belong to 60 Plus, no, you've got to comply with all of this?

Since the Supreme Court's decision to uphold the First Amendment, Democrats here have maintained their bill would apply equally across the board to corporations, to labor unions, and to advocacy organizations alike. Instead, they have produced a bill that is full of loopholes, designed to help their friends while silencing their political opponents.

We in this House take an oath to preserve, to protect, and to defend our Constitution. Anyone who votes for this bill today, I'll tell you, is violating the oath that they took when they became Members of this organization.

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

Mr. DANIEL E. LUNGREN of California. I yield myself the balance of my time.

Mr. Chairman, I have been privileged to serve in this House for a number of years. During that period of time, I have had the opportunity to vote, probably, thousands of times on many, many, many different issues. Sometimes the result of the votes, of the collective votes of this House and the Senate and the signature of the President during the course of time that I have been here, has resulted in legislation which subsequently was ruled to be, in part or in whole, unconstitutional.

I have had conversations on the floor of the House with Members who have said at times, I'm not concerned about the Constitution. I mean don't let me worry about that. The courts decide that.

I've always said to them in response, We have an obligation when we take an oath of office to uphold the Constitution, and we ought to do it as we consider legislation.

Though, I am not sure that I have ever seen a frontal assault on the Constitution as this bill is. Why do I say that? I say that because this deals with the First Amendment. It deals with political speech. It deals with political speech at its most effective, which is in the context of a political campaign, and we ought to deal with that very, very carefully.

I would say to my friend from Michigan, if we were so concerned about the Constitution, why did our committee waive jurisdiction here after only having this bill for a day? Other times, we insist on dealing with constitutional questions, but yet we gave it up.

You look at this bill, and you see that it violates the contours of the decision by the Supreme Court. If you want to amend the Constitution, bring an amendment to the floor. It violates it in so many ways, and it is a continual violation, as the auction block was established on the other side of the aisle. We kept hearing day after day, week after week, They don't have the votes. They don't have the votes. They're going to make this deal. They're going to make that deal.

What did they do? They expanded the exemption.

They decided, yes, the National Rifle Association got a special exemption. I guess AARP did. I guess the Humane Society did. We don't know who else did because they've just changed the definition in the last couple of days from a million members to a half a million members, but we know that most groups now will not be exempt, just a privileged few. That violates what the decisions of the courts going back decades tell us. You cannot discriminate among groups. You cannot have disfavored and favored groups, and that is what we are doing right here on the floor, not just about something dealt with by the Constitution, but the essential of the First Amendment.

I am surprised that my liberal friends are not down here on this floor, condemning provisions of this bill. They say it's not a perfect bill. No, it's not perfect. It's unconstitutional. It is unconstitutional by its very terms. In the last 2 weeks and even yesterday, it became more unconstitutional because they carved out exemptions even further for unions and for selected groups of large size.

Mr. Chairman, we should do better than this. We should do better than this. If we are not concerned about protecting the Constitution, who is?

You know, as was said basically by our leader, we take an oath to protect and to defend all parts of the Constitution—the First Amendment as well as the Second Amendment. The fact of the matter is we take an oath to uphold the Constitution. To only allow an hour's worth of debate when we give far more time to naming post offices is a disgrace in this House—a disgrace. To not allow amendments that deal with some of the very subjects that my friends on the other side talk about is a disgrace.

Mr. Chairman, I ask for a ''no'' vote on this bill.

The CHAIR. The time of the gentleman has expired.

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

First, let me thank the staff of House Administration—Jamie Fleet, Matt Pinkus, Tom Hicks, and Jennifer Daehn—for the hard work they've done on this bill. There was a lot of moving around and a lot of moving parts to be able to put it back together so we could be here today.

I would also like to thank Karen Robb, who I am sure, right now, is probably the most relieved person in knowing that this is finally coming to an end, and I appreciate all her help.

□ 1350

Despite all the rhetoric that we've heard about this bill, the simple purpose, Mr. Chairman, is: Who's saying it; who's paying it. All I want to know when I run or if I run or anybody runs for reelection, if somebody's running an ad against me, I'd like to know who that person is, or if somebody is writing an ad in my favor, I'd like to know who that person is.

We talked about the unions as opposed to corporations. The unions pay dues and they take out at an hourly rate a checkoff to go to a PAC committee, a PAC fund. They also have the right not to do that. They can say, I don't want to send any money to a PAC fund. But if they do, they now vote. They sit and vote for every single candidate that that union is supporting, whether or not they want to support that candidate or not, and every union puts a tagline saying who they're supporting and they're paying for that.

Corporations. I could be a member and a stockholder of a corporation like AT&T and have stocks, and they can run against me and I don't even know it. Also, those corporations don't vote. I'm a stockholder; I don't vote. I can't vote to say what they do with my money, even though they spend the money for an opponent against me. Again, Mr. Chairman, all we're saying is, who's saying it and who's paying for it.

With that, Mr. Chairman, I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Chair, I rise in support of H.R. 5175, the DISCLOSE Act, as a cosponsor and strong proponent of this legislation.

The DISCLOSE Act is a bipartisan response to the Supreme Court's reckless decision in Citizens United v. Federal Election Commission to give corporations the same rights as American citizens with respect to political speech. The decision overturned decades of precedent upholding common-sense campaign finance laws that kept special interests at bay in our elections. Corporations—think Big Oil and Wall Street—can now speak louder and more forcefully than the ordinary American without any restrictions. Moreover, Citizens United opened up the very real possibility that other countries—many of which do not have America's best interest in mind—can spend money to influence our elections. Maybe the opponents of this legislation don't understand that by voting ''no'' they've allowed China Telecom or Venezuela's CITGO the same rights as ordinary Americans when it comes to spending money in our elections.

Since we are not yet politically at a point where we have the votes to overturn this reckless Supreme Court decision, the DISCLOSE Act is a step towards ensuring corporations now have these rights, they must spend money in the light of day. For one thing, corporations cannot hide behind shadow groups that do not have to disclose their donors to the public. If corporations choose to advertise close to Election Day, they must report their donors to the Federal Election Commission and include a hyperlink to their disclosure report on their websites. Moreover, chief executive officers will have to stand behind their ads and top donors will be listed on advertisements. American citizens have the right to know and deserve to know who it is exactly that is telling them to vote for or against a candidate.

The DISCLOSE Act prevents foreign cash in our elections, and also prevents corporations receiving large government contracts, and corporations that are using money out of the Troubled Asset Relief Fund from spending taxpayer money out of their general treasuries on American elections. These practical limitations are necessary to ensure that American elections are not co-opted by foreign entities and special interests looking out only for their own interests and bottom lines.

Mr. Chair, the DISLCOSE Act represents months of hard work and compromise so that American citizens would still have a strong

voice in our elections. Most Americans, in fact, did not agree with the Supreme Court's decision because they understand that corporations and individuals are not one in the same. I strongly urge my colleagues to join me in voting ''yes'' on this legislation and ensure that American's voices are still heard in our elections.

Mr. STARK. Mr. Chair, I rise today to support taking a first step in repairing our broken election system. The cornerstone of our democracy is that voters—not corporations and special interests—should decide elections. Congress must act to reserve the Supreme Court's mistaken decision in Citizens United and prevent corporations from completely taking over our elections.

Earlier this year, the Supreme Court overturned important campaign finance reform laws that limited the ability of corporations to fund and influence federal elections. By overturning these restrictions, the Supreme Court has freed corporations to secretly spend millions of dollars on political campaigns and advertisements without any public disclosure of those expenditures. The American people have a right to know who is paying for all the expensive advertising during campaigns. The DISCLOSE Act (H.R. 5175) would remedy this situation.

This bill requires corporations, unions, and special interest groups to disclose both the identity of their organization and those of their top donors when they engage in electioneering. Campaign contributions from corporations with government contracts and those made by foreign nationals or foreign-controlled domestic corporations would be prohibited. Individuals spending more than $10,000 on electioneering communications are required to file an electronic report with the Federal Elections Commission (FEC) that will be publicly available.

I oppose the inclusion of a donor disclosure exemption that primarily benefits the National Rifle Association. The NRA still has the ability to kill a bill in Congress. The overall impact of the bill is still positive and an improvement on the status quo.

We must go further on campaign finance reform and rid our politics of corporate money. I am a cosponsor of the Fair Elections Now Act (H.R. 1826), which would provide public financing for federal campaigns. Candidates who raise a specified number of small donations would be eligible for matching funds. This would return fundraising to its proper place—from community support rather than special interests.

I will keep working for public financing. The DISCLOSE Act is a first step in the right direction. Special interests representing oil companies, Wall Street, and health insurance companies should not be able to buy elections. I will vote for the DISCLOSE Act and urge all of my colleagues to support stronger campaign finance laws.

Mrs. CAPPS. Mr. Chair, I rise today in strong support of H.R. 5175, the DISCLOSE Act.

Fair, free elections are the foundation of our democracy. As Members of Congress, it is our duty to uphold the Constitution and ensure the voices of our constituents are heard. But in its Citizens United ruling, the Supreme Court overturned nearly a century of precedent and threatened the legitimacy of our elections by opening the flood gates to unlimited corporate spending on elections.

This ruling is sadly just a continuation of the failed policies that thrived under Republican leadership, when special interests dominated Washington. Fueled by big donations from special interests, for years Republicans allowed Big Oil to run amok, stood by and watched as Wall Street's greed nearly destroyed our financial system, and sat on their hands as health insurers raked in record profits at the expense of struggling American families.

Thankfully, things have changed under Democratic leadership. Under Democratic leadership, corporate influence in Washington is diminishing. Health Reform. Wall Street Reform. Energy Reform. Special interests have fought these efforts tooth and nail from the start, and they have failed.

The DISCLOSE Act is Democrats' latest effort to fight back against corporate special interests. This legislation begins to roll back the gaping loopholes in Citizens United that threaten the integrity of our elections and will drown out the voices of everyday American voters.

It prevents corporations controlled by foreign—or even hostile—governments from dumping in secret money to influence U.S. elections and drown out the voice of American voters.

It prohibits government contractors and TARP recipients from making political expenditures with taxpayer dollars.

And it throws a little sunshine on who is behind the ads in our elections. It does that by requiring disclosure by corporations, unions and advocacy groups that spend money on elections. It requires corporate CEOs to show their face and stand by their ads just like candidates must do.

The DISCLOSE Act helps ensure transparency and accountability in our federal elections. Voters deserve to know when Wall Street, Big Oil or credit card companies are the ones behind political advertisements. Shareholders deserve to know what their companies are spending their investment dollars on. And Americans deserve to know when special interests like health insurers and energy companies set up sham organizations meant to trick and deceive them into voting against their own interests.

Mr. Chair, transparency works. We need look no further than my home state of California, where just weeks ago voters soundly defeated a ballot measure after learning that the sham group ''Californians to Protect the Right to Vote'' that supported it was actually funded by energy giant Pacific Gas & Electric.

Mr. Chair, it is time to act. It is time to stop special interests and their billions of dollars from drowning out the voices of American voters. It is time to put the interests of American voters above those of corporations.

I urge my colleagues to join me in voting yes on the DISCLOSE Act.

Ms. KILPATRICK of Michigan. Mr. Chair, as a member of the House Progressive Caucus, I am proud to say that it has been progressives who have fought the undue influence of corporations in campaigns, beginning since at least the late 1800s. In 1907, the Tillman Act was signed into law, which prohibits any contribution by any corporation and national bank to federal political campaigns. This ban remains in effect to this very day.

Michigan has a particular role in corporations and campaign finance issues. In the Supreme Court case of Austin v. Michigan Chamber of Commerce in 1990, in which the Michigan Chamber of Commerce wanted to use its general funds to run a newspaper ad supporting a specific candidate against Michigan State law, the Court upheld Michigan law. Furthermore, the Court found that the government must prevent ''the corrosive and distorting effects'' of corporate money in politics.

I agree, and I do believe that the ruling in Citizens United will allow wealthy corporations to spend unlimited amounts of money on campaigns. President Barack Obama criticized this decision during his annual State of the Union address, saying, ''. . . last week the Supreme Court reversed a century of law that I believe will open the floodgates for special interests—including foreign corporations—to spend without limit in our elections. I don't think American elections should be bankrolled by America's most powerful interests, or worse, by foreign entities. They should be decided by the American people. And I'd urge Democrats and Republicans to pass a bill that helps to correct some of these problems.''

Unfortunately, this is not that bill. Congress must take action to counteract the negative effect of the Citizens United decision. I believe in the basic principle that Americans have the right to know the identities of groups spending money to influence elections. I believe in transparency. I believe in fairness. This bill, designed to protect against undue, unfair, and unwanted influence by corporations, contains a carve-out or exemption for the National Rifle Association. This exemption is not good policy, is not right, and is not fair. It is simply baffling to me that the party that has led the fight against assault weapons, in support of stronger handgun registration requirements, and helped to see the Brady law come to reality would support such an exemption for the one organization against stronger gun laws.

In Detroit, Michigan, we have regrettably seen too many young people die due to gun violence. This is almost a direct result of simply this—there are too many guns on our streets. Combine the plethora of guns on the street with record high unemployment, home foreclosures, and industries leaving Michigan, and it is no secret why deaths due to gun violence in our nation are soaring.

Like most Americans, I want to keep the light on who, what and how campaigns are financed. Amendments to level the playing field for all organizations were offered, but rejected. Congress should defeat this bill in its current form, and take a stand against the National Rifle Association.

Mr. SHULER. Mr. Chair, there are valid concerns that the DISCLOSE Act, H.R. 5175, could unconstitutionally hinder the free speech of certain long-standing, member-driven organizations that have historically acted in good faith. In an effort to fix this, I filed an amendment with the House Rules Committee to exempt any 501(c)(4) organization that meets certain criteria from the Disclose Act's reporting and disclosure requirements.

A modified version of my amendment was included as part of Representative BRADY's ''manager's amendment'' made in order by the Rules Committee. The manager's amendment creates a special class of exempt 501(c)(4) organizations to which the reporting and disclosure provisions of H.R. 5175 do not apply.

These ''exempt 501(c)(4) organizations'' would need to:

Be a 501(c)(4) organization for each of the past 10 years;

Have at least 500,000 dues-paying members;

Have at least one dues-paying member in each of the 50 states;

Receives no more than 15 percent of its annual revenue from corporations, excluding revenue from commercial transactions occurring in the ordinary course of business;

Not use any funds received from corporations for electioneering communications.

The organization's CEO would need to certify to the Federal Election Commission (FEC) that it meets these qualifications. To protect individuals rights of freedom of speech the FEC would not be allowed to require any donor lists, or financial or membership information of any kind from organizations seeking exemption. Such compelled disclosure to the FEC would raise serious First Amendment questions.

There is no question that we need to prevent enormous amounts of corporate and foreign money from flooding campaigns without transparency, and to prevent illegitimate shadow organizations from cropping up and overpowering the voice of Americans. However, many organizations exist solely to give individuals with common interests a voice in the political process. This narrowly tailored exemption for this special class of exempt 501(c)(4) organizations is necessary to achieve the compelling government interest that non-profit membership organizations funded largely by individuals be allowed to speak freely in the political arena. Long-standing, member-driven, non-profit organizations are at the heart of the First Amendment's protections of political speech and association and are distinct from for-profit corporations, just as media corporations are distinct from other for-profit corporations.

Including this exemption for exempt 501(c)(4) organizations is critical to passage and enactment of H.R. 5175. Were a court to try and sever the exemption from the bill and leave the remainder of its provisions intact, it would violate the clear intent of Congress. We need to ensure that these long-standing, nonprofit membership organizations funded largely by individuals can continue to speak freely on behalf of their members.

Mr. LEVIN. Mr. Chair, I rise today in support of the Democracy is Strengthened by Casting Light on Spending in Elections Act, known as the DISCLOSE Act. This legislation, quite simply, is about giving voters information on who is trying to influence an election and how much money they are spending to do so. The American people deserve the benefit of this information as they decide how to vote.

Unfortunately, the trend in recent years has been toward less transparency in election spending. Organizations hiding behind generic or even misleading names have spent millions of dollars in political advertising, often not to promote their own ideas but to attack a candidate or cause. Posing as grassroots citizens groups, too often advertisements turn out to be astroturf campaigns funded by corporations, industry trade associations, and political interests. Their purposes may be to confuse or even deceive voters and, without the ability to know an advertisement's sponsors, the voters are missing vital information that would help them arrive at their own conclusions.

This trend in political advertisements was already on an unsustainable path when the Supreme Court overturned the prohibition on direct corporate and union spending on elections. This decision opened the floodgates to a wave of new money, all of which could be spent from behind a curtain of secrecy.

The DISCLOSE Act pulls back the curtain. It requires the CEO or President of the sponsoring corporation, union, or advocacy organization to stand by their ad, just as candidates must. The bill requires these organizations to inform their members or shareholders of their election-related spending so that the decision makers can be held accountable. It requires spending amounts to be posted online and, for those shadow groups that seem to form overnight, advertisements will be required to list their top five funders, and the organization will need to make a list of their large donors available to the public.

The DISCLOSE Act also steps in to bar spending from those who should not be able to interfere in elections: corporations controlled by foreigners as well as government contractors and TARP recipients who should not be able to spend taxpayer money on election activities.

There is no doubt that the DISCLOSE Act represents a significant improvement over current law and a step worth taking. It is time to pull back the curtain and I hope my colleagues will join me in supporting this important legislation.

Mr. VAN HOLLEN. Mr. Chair,

INTERNET RULES REMAIN UNCHANGED

H.R. 5175 extends the existing rules on coordination to apply to any ''covered communication,'' and defines the term ''covered communication.'' In so doing, the bill repeats the language of the existing media exemption and incorporates that exemption into the definition of ''covered communication.'' The existing language of the media exemption has been interpreted by FEC regulation to include an exemption for media activities on the Internet. 11 CFR 100.132. By incorporating the existing language of the media exemption into the coordination provisions in the DISCLOSE Act, the sponsors intend to ensure that the media exemption in the DISCLOSE Act will be interpreted by the FEC in the same way that the FEC has interpreted the media exemption in existing law, to include media activities on the Internet within the media exemption.

INDEPENDENT EXPENDITURES INFLUENCE ELECTED OFFICIALS

Independent expenditures and electioneering communications can influence elected officials and produce gratitude, indebtedness, and access. Although such influence is not per se problematic, it may be improper in certain contexts. In particular, such influence is improper if it has the potential to affect the outcome of federal contracting decisions or if it is exercised by a foreign-controlled entity.

According to a recent report by Professor Wilcox of Georgetown University, ''Donors who seek to gain access and influence care primarily that their contribution is noticed and appreciated, not that it is handled directly by the candidate's campaign treasurer.'' The report notes that contributions to groups that make independent expenditures ''can be conceived as indirect contributions—instead of giving the money directly to the candidate's campaign committee, they are given to an independent committee that also helps the candidate win.'' Indeed some experts believe that large independent expenditures on behalf of candidates can produce greater influence than direct campaign contributions that are subject to legal limits: ''With almost all of the 527s associating themselves with the two major parties and their candidates, and with the great majority of contributions coming from donors giving in the millions, rather than thousands or even tens of thousands of dollars, big 527 donors today are positioned to garner more attention and consideration from parties and candidates than those who give the maximum direct contribution of $2,000–$25,000.''

In California, recent legislation limiting direct contributions has produced an ''explosion'' of independent expenditures. According to Ross Johnson, Chairman of the California Fair Political Practices Commission and a former Republican Party leader in both houses of the California legislature, ''independent expenditures have provided sophisticated wealthy individuals and special interests the means to circumvent [contribution] limits and create the appearance of corruption, or gain undue influence on, candidates and officeholders.''

Recent examples illustrate that independent expenditures are used to try to influence elected officials.

In 1998 a group with an interest in gaming issues attempted to bribe former Republican Kansas Congressman Snowbarger by signaling that they would conduct an independent spending campaign on his behalf. According to Snowbarger's campaign manager, the offer ''was an attempt to get him to change his position by offering to do independent spending that would help him win re-election.'' Congressman Snowbarger rejected the offer. His campaign manager later explained the rationale behind the proposal: ''[T]he people behind th[e] effort offered to do an independent expenditure rather than make contributions because contributions are limited. If only a small number of people are involved, they are unable to promise to give that much. Even a corrupt Congressman would not risk accepting a bribe of only $5,000.00 or $6,000.00. Independent expenditures, on the other hand, can involve sums of money of an entirely different magnitude.''

Former Wisconsin State Senate Majority Leader Chvala was convicted on corruption charges in 2005 for illegally soliciting funds in exchange for political favors. According to Wisconsin lobbyist Michael Bright, who lobbied Chvala on numerous occasions, ''[t]here was essentially a 'menu' of different ways that clients could contribute: they could give directly to candidates in contested races, to the parties, or to groups that made independent expenditures or independent candidate-focused 'issue' ads . . . These were all acceptable ways to meet Chvala's contribution expectations, to get 'credit' in Chvala's world.'' (emphasis added). Chvala would indicate to interested parties that ''whichever bucket [they] put the money into, it would be used effectively to support Democratic senate candidates and would be appreciated by those candidates.'' According to Bright, ''there was not any ambiguity about it: he was suggesting that the candidates benefited would properly credit the client for the contributions no matter which entity they were made to, and the candidate would be just as appreciative as if the money had all been given directly to the candidate's campaign.''

Recent polling reveals that independent expenditures also create an appearance of influence. A 2008 Zogby poll found that 82 percent

of respondents believe ''that if an individual contributed $100,000 or more to a group to spend on an advertising campaign supporting a congressional candidate it is likely that the candidate will do a political favor for the contributor once elected to office.''

THE UNIQUE CONTEXTS OF GOVERNMENT CONTRACTING AND FOREIGN INFLUENCE

Although Citizens United prohibits restrictions on independent expenditures that apply to corporations and unions generally, independent expenditures and electioneering communications by government contractors and foreign-controlled entities pose unique concerns. Congress has a substantial interest in protecting a merit-based government contracting process and in protecting U.S. interests from foreign influence, and Congress therefore has the power to regulate independent expenditures and electioneering communications in these particular domains.

Independent expenditures and electioneering communications by government contractors warrant distinct concern. Government contracting decisions should be based on an objective evaluation of how well potential contractors meet the relevant legal criteria. Elaborate federal regulations reflect this commitment to a fairly and impartially-administered contracting system. However, contractors may seek to improperly influence elected officials in order to maximize their chances of receiving contracts. Contractors may also feel pressure, whether explicitly exerted by government officials or not, to make expenditures in order to obtain contracts. A company seeking to renew an existing contract may be especially vulnerable to such pressure because it is likely to have significant reliance interests in maintaining its business relationship with the government.

The need to protect the integrity of government contracting is evidenced by recent pay-to-play scandals. Former Illinois Gov. George Ryan went to federal prison in 2007 for issuing state contracts in exchange for financial contributions and gifts over a period of 10 years. In Connecticut, a pay-to-play probe brought down former Governor Rowland, who admitted taking gifts from state contractors. In 1998, New Jersey awarded a seven-year, $392 million contract to Parsons Infrastructure & Technology Group Inc. to privatize automobile inspections. A subsequent state investigation found that Parsons had tainted the competitive bidding process by contributing more than a half million dollars to state officials and that the ''mammoth boondoggle'' cost taxpayers an additional $200 million after the contract was awarded. Randy ''Duke'' Cunningham resigned from Congress in 2005 after pleading guilty to using his official position to extract bribes from multiple defense contractors. In March, 2010, the New York state pension fund's former chief investment officer pleaded guilty to directing public dollars to firms that made political contributions to former Democratic state comptroller Alan G. Hevesi. Financial companies have so far paid $120 million in settlements to resolve their roles in the ongoing pay to play scandal. Even when a direct quid-pro-quo cannot be definitively proven, the relationship between political expenditures and contract awards can still give rise to the appearance of improper influence. For instance, a University of Michigan study found that donors to former Wisconsin Governor Tommy Thompson's campaign were awarded an average of $20 million in contracts, while non-contributors were only awarded an average of $870,000.

Independent expenditures and electioneering communications by foreign-controlled domestic corporations also warrant distinct concern. In 2005, the general treasuries of these companies totaled approximately $3.5 trillion. After Citizens United, these companies are now free to spend unlimited sums from their general treasuries to influence federal elections, and undermine U.S. interests. The DISCLOSE Act would prevent this foreign intervention in U.S. elections.

Mr. PENCE. Mr. Chair, I rise in opposition to H.R. 5175, the Democracy is Served by Casting Light on Spending in Elections—DISCLOSE—Act.

However, I must say, rarely has a bill fallen so short of doing what its title says. In fact, this bill does the opposite of its name by limiting free speech in the political process.

The First Amendment says ''Congress shall make no law . . . abridging the freedom of speech.'' That right is cherished by all Americans and is to be protected by this Congress. Unfortunately, this bill is a naked attempt to cloud the free speech rights of millions of Americans; rights that were clearly affirmed in January by the Supreme Court.

It's for that reason that I am profoundly disappointed that the Democratic majority is trying to overturn the High Court's Citizens United decision. The justices were clear about the freedom of Americans to collectively participate in the political process through organizations. And the fact that the Court overturned a 20-year precedent speaks volumes about the importance of this issue.

But, instead of standing on the side of free speech and the American people, this bill will cloud the court's decision and cause uncertainty about federal election law. And that would happen during the months leading up to the November midterm elections.

Democrats suggest that the bill deals with corporations and unions even-handedly. That is false. In the interest of full disclosure, the American people should know that this legislation is sponsored by the two Democrats who are chiefly responsible for the election of Democrats to the House and Senate this fall.

Perhaps that explains why this bill's provisions include enormous exclusions for union expenditures but place extraordinary limits on corporations to hinder their ability to participate in the political process, despite the clear directive of the Citizens United case.

Corporations will have to make burdensome new identifying disclaimers.

Companies that are government contractors or that received TARP bailout money will be banned from political speech. And this bill will suppress speech by those who choose to speak out through associations, a fundamental right guaranteed by the Constitution.

This legislation is nothing more than an attempt to bring confusion to the political process and to discourage millions of Americans and thousands of organizations from becoming involved in the political debate.

Campaign finance is an issue that I've been committed to since I first came to Congress. I've worked with Republicans and Democrats alike in an effort to bring more freedom to everyone involved in the political process.

This bill sets back the freedoms affirmed just months ago by the Supreme Court.

Mr. Chair, I believe that instead of greater government control of political speech, more freedom is the answer. And while such liberty may be a bit more chaotic and inconvenient for some in the political class, as Thomas Jefferson said, ''I would rather be exposed to the inconveniences attending too much liberty than those attending too small a degree of it.''

The answer to problems in politics in a free society is more freedom, not less.

I urge this body not to diminish the First Amendment for the sake of politics. Let's reject this bill and allow the American people to exercise their right of free speech and participate fully in the political process, as our Constitution intended.

Mr. TIAHRT. Mr. Chair, the passage today of the so-called DISCLOSE Act, is a travesty. This bill is a hasty, ill-conceived, un-Constitutional response to the near unanimous decision of the U.S. Supreme Court in Citizens United vs The Federal Election Committee. The DISLOSE Act takes us down a familiar road of the Democratic majority attempting to remove the First Amendment rights of the minority, including the rights of those who are fighting to defend the sanctity of life. For over a year, the Democrat majority in Congress and the White House have held the voice of the American people in contempt, whether at town halls or on the National Mall. Instead of listening, they would rather find ways to silence us. This bill is a direct attack on our rights and will not stand up to the scrutiny of the courts. This hallowed body should not have even considered it. I urge the Senate to send this bill back to where it deserves to go, the trash bin.

Mr. BRADY of Pennsylvania. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The committee amendment in the nature of a substitute modified by the amendment printed in part A of House Report 111–511 is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 5175

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Democracy is Strengthened by Casting Light on Spending in Elections Act'' or the ''DISCLOSE Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—REGULATION OF CERTAIN POLITICAL SPENDING

Sec. 101. Prohibiting independent expenditures and electioneering communications by government contractors.
Sec. 102. Application of ban on contributions and expenditures by foreign nationals to foreign-controlled domestic corporations.
Sec. 103. Treatment of payments for coordinated communications as contributions.

Sec. 104. Treatment of political party communications made on behalf of candidates.
Sec. 105. Restriction on internet communications treated as public communications.
TITLE II—PROMOTING EFFECTIVE DISCLOSURE OF CAMPAIGN-RELATED ACTIVITY
Subtitle A—Treatment of Independent Expenditures and Electioneering Communications Made by All Persons
Sec. 201. Independent expenditures.
Sec. 202. Electioneering communications.
Sec. 203. Mandatory electronic filing by persons making independent expenditures or electioneering communications exceeding $10,000 at any time.
Subtitle B—Expanded Requirements for Corporations and Other Organizations
Sec. 211. Additional information required to be included in reports on disbursements by covered organizations.
Sec. 212. Rules regarding use of general treasury funds by covered organizations for campaign-related activity.
Sec. 213. Optional use of separate account by covered organizations for campaign-related activity.
Sec. 214. Modification of rules relating to disclaimer statements required for certain communications.
Subtitle C—Reporting Requirements for Registered Lobbyists
Sec. 221. Requiring registered lobbyists to report information on independent expenditures and electioneering communications.
TITLE III—DISCLOSURE BY COVERED ORGANIZATIONS OF INFORMATION ON CAMPAIGN-RELATED ACTIVITY
Sec. 301. Requiring disclosure by covered organizations of information on campaign-related activity.
TITLE IV—OTHER PROVISIONS
Sec. 401. Judicial review.
Sec. 402. Severability.
Sec. 403. Effective date.

TITLE I—REGULATION OF CERTAIN POLITICAL SPENDING

SEC. 101. PROHIBITING INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS BY GOVERNMENT CONTRACTORS.

(a) PROHIBITION APPLICABLE TO GOVERNMENT CONTRACTORS.—

(1) PROHIBITION.—

(A) IN GENERAL.—Section 317(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441c(a)(1)) is amended by striking ''purpose or use; or'' and inserting the following: ''purpose or use, to make any independent expenditure, or to disburse any funds for an electioneering communication; or''.

(B) CONFORMING AMENDMENT.—The heading of section 317 of such Act (2 U.S.C. 441c) is amended by striking ''CONTRIBUTIONS'' and inserting ''CONTRIBUTIONS, INDEPENDENT EXPENDITURES, AND ELECTIONEERING COMMUNICATIONS''.

(2) THRESHOLD FOR APPLICATION OF BAN.—Section 317 of such Act (2 U.S.C. 441c) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d); and

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

''(b) To the extent that subsection (a)(1) prohibits a person who enters into a contract described in such subsection from making any independent expenditure or disbursing funds for an electioneering communication, such subsection shall apply only if the value of the contract is equal to or greater than $10,000,000.''.

(b) APPLICATION TO RECIPIENTS OF ASSISTANCE UNDER TROUBLED ASSET PROGRAM.—Section 317(a) of such Act (2 U.S.C. 441c(a)) is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) who enters into negotiations for financial assistance under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) (relating to the purchase of troubled assets by the Secretary of the Treasury), during the period—

''(A) beginning on the later of the commencement of the negotiations or the date of the enactment of the Democracy is Strengthened by Casting Light on Spending in Elections Act; and

''(B) ending with the later of the termination of such negotiations or the repayment of such financial assistance;

directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use, to make any independent expenditure, or to disburse any funds for an electioneering communication; or''.

(c) TECHNICAL AMENDMENT.—Section 317 of such Act (2 U.S.C. 441c) is amended by striking ''section 321'' each place it appears and inserting ''section 316''.

SEC. 102. APPLICATION OF BAN ON CONTRIBUTIONS AND EXPENDITURES BY FOREIGN NATIONALS TO FOREIGN-CONTROLLED DOMESTIC CORPORATIONS.

(a) APPLICATION OF BAN.—Section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)) is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) any corporation which is not a foreign national described in paragraph (1) and—

''(A) in which a foreign national described in paragraph (1) or (2) directly or indirectly owns 20 percent or more of the voting shares;

''(B) with respect to which the majority of the members of the board of directors are foreign nationals described in paragraph (1) or (2);

''(C) over which one or more foreign nationals described in paragraph (1) or (2) has the power to direct, dictate, or control the decision-making process of the corporation with respect to its interests in the United States; or

''(D) over which one or more foreign nationals described in paragraph (1) or (2) has the power to direct, dictate, or control the decision-making process of the corporation with respect to activities in connection with a Federal, State, or local election, including—

''(i) the making of a contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication (within the meaning of section 304(f)(3)); or

''(ii) the administration of a political committee established or maintained by the corporation.''.

(b) CERTIFICATION OF COMPLIANCE.—Section 319 of such Act (2 U.S.C. 441e) is amended by adding at the end the following new subsection:

''(c) CERTIFICATION OF COMPLIANCE REQUIRED PRIOR TO CARRYING OUT ACTIVITY.—Prior to the making in connection with an election for Federal office of any contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication by a corporation during a year, the chief executive officer of the corporation (or, if the corporation does not have a chief executive officer, the highest ranking official of the corporation), shall file a certification with the Commission, under penalty of perjury, that the corporation is not prohibited from carrying out such activity under subsection (b)(3), unless the chief executive officer has previously filed such a certification during the year. Nothing in this subsection shall be construed to apply to any contribution, donation, expenditure, independent expenditure, or disbursement from a separate segregated fund established and administered by a corporation under section 316(b)(2)(C).''.

(c) NO EFFECT ON CERTAIN ACTIVITIES OF DOMESTIC CORPORATIONS.—Section 319 of such Act (2 U.S.C. 441e), as amended by subsection (b), is further amended by adding at the end the following new subsection:

''(d) NO EFFECT ON CERTAIN ACTIVITIES OF DOMESTIC CORPORATIONS.—

''(1) SEPARATE SEGREGATED FUNDS.—Nothing in this section shall be construed to prohibit any corporation which is not a foreign national described in paragraph (1) of subsection (b) from establishing, administering, and soliciting contributions to a separate segregated fund under section 316(b)(2)(C), so long as none of the amounts in the fund are provided by any foreign national described in paragraph (1) or (2) of subsection (b) and no foreign national described in paragraph (1) or (2) of subsection (b) has the power to direct, dictate, or control the establishment or administration of the fund.''.

''(2) STATE AND LOCAL ELECTIONS.—Nothing in this section shall be construed to prohibit any corporation which is not a foreign national described in paragraph (1) of subsection (b) from making a contribution or donation in connection with a State or local election to the extent permitted under State or local law, so long as no foreign national described in paragraph (1) or (2) of subsection (b) has the power to direct, dictate, or control such contribution or donation.

''(3) OTHER PERMISSIBLE CORPORATE CONTRIBUTIONS AND EXPENDITURES.—Nothing in this section shall be construed to prohibit any corporation which is not a foreign national described in paragraph (1) of subsection (b) from carrying out any activity described in subparagraph (A) or (B) of section 316(b)(2), so long as none of the amounts used to carry out the activity are provided by any foreign national described in paragraph (1) or (2) of subsection (b) and no foreign national described in paragraph (1) or (2) of subsection (b) has the power to direct, dictate, or control such activity.''

(d) NO EFFECT ON OTHER LAWS.—Section 319 of such Act (2 U.S.C. 441e), as amended by subsections (b) and (c), is further amended by adding at the end the following new subsection:

''(e) NO EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to affect the determination of whether a corporation is treated as a foreign national for purposes of any law other than this Act.''.

SEC. 103. TREATMENT OF PAYMENTS FOR COORDINATED COMMUNICATIONS AS CONTRIBUTIONS.

(a) IN GENERAL.—Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended—

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

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

(3) by adding at the end the following new clause:

''(iii) any payment made by any person (other than a candidate, an authorized committee of a candidate, or a political committee of a political party) for a coordinated communication (as determined under section 324).''.

(b) COORDINATED COMMUNICATIONS DESCRIBED.—Section 324 of such Act (2 U.S.C. 441k) is amended to read as follows:

''SEC. 324. COORDINATED COMMUNICATIONS.

''(a) COORDINATED COMMUNICATIONS DEFINED.—

''(1) IN GENERAL.—For purposes of this Act, the term 'coordinated communication' means—

''(A) a covered communication which, subject to subsection (c), is made in cooperation, consultation, or concert with, or at the request or

suggestion of, a candidate, an authorized committee of a candidate, or a political committee of a political party; or

''(B) any communication that republishes, disseminates, or distributes, in whole or in part, any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, an authorized committee of a candidate, or their agents.

''(2) EXCEPTION.—The term 'coordinated communication' does not include—

''(A) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

''(B) a communication which constitutes a candidate debate or forum conducted pursuant to the regulations adopted by the Commission to carry out section 304(f)(3)(B)(iii), or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum.''.

''(b) COVERED COMMUNICATION DEFINED.—

''(1) IN GENERAL.—Except as provided in paragraph (4), for purposes of this subsection, the term 'covered communication' means, for purposes of the applicable election period described in paragraph (2) and with respect to the coordinated communication involved, a public communication (as defined in section 301(22)) that refers to the candidate described in subsection (a)(1)(A) or an opponent of such candidate and is publicly distributed or publicly disseminated during such period.

''(2) APPLICABLE ELECTION PERIOD.—For purposes of paragraph (1), the 'applicable election period' with respect to a communication means—

''(A) in the case of a communication which refers to a candidate for the office of President or Vice President, the period—

''(i) beginning with the date that is 120 days before the date of the first primary election, preference election, or nominating convention for nomination for the office of President which is held in any State; and

''(ii) ending with the date of the general election for such office; or

''(B) in the case of a communication which refers to a candidate for any other Federal office, the period—

''(i) beginning with the date that is 90 days before the earliest of the primary election, preference election, or nominating convention with respect to the nomination for the office that the candidate is seeking; and

''(ii) ending with the date of the general election for such office.

''(3) SPECIAL RULE FOR PUBLIC DISTRIBUTION OF COMMUNICATIONS INVOLVING CONGRESSIONAL CANDIDATES.—For purposes of paragraph (1), in the case of a communication involving a candidate for an office other than President or Vice President, the communication shall be considered to be publicly distributed or publicly disseminated only if the dissemination or distribution occurs in the jurisdiction of the office that the candidate is seeking.

''(c) NO FINDING OF COORDINATION BASED SOLELY ON SHARING OF INFORMATION REGARDING LEGISLATIVE OR POLICY POSITION.—For purposes of subsection (a)(1), a covered communication shall not be considered to be made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, an authorized committee of a candidate, or a political committee of a political party solely on the grounds that a person or an agent thereof engaged in discussions with the candidate or committee regarding that person's position on a legislative or policy matter (including urging the candidate or party to adopt that person's position), so long as there is no discussion between the person and the candidate or committee regarding the candidate's campaign plans, projects, activities, or needs.

''(d) PRESERVATION OF CERTAIN SAFE HARBORS AND FIREWALLS.—Nothing in this section may be construed to affect 11 CFR 109.21(g) or (h), as in effect on the date of the enactment of the Democracy is Strengthened by Casting Light on Spending in Elections Act.

''(e) TREATMENT OF COORDINATION WITH POLITICAL PARTIES FOR COMMUNICATIONS REFERRING TO CANDIDATES.—For purposes of this section, if a communication which refers to any clearly identified candidate or candidates of a political party or any opponent of such a candidate or candidates is determined to have been made in cooperation, consultation, or concert with or at the request or suggestion of a political committee of the political party but not in cooperation, consultation, or concert with or at the request or suggestion of such clearly identified candidate or candidates, the communication shall be treated as having been made in cooperation, consultation, or concert with or at the request or suggestion of the political committee of the political party but not with or at the request or suggestion of such clearly identified candidate or candidates.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply with respect to payments made on or after the expiration of the 30-day period which begins on the date of the enactment of this Act, without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

(2) TRANSITION RULE FOR ACTIONS TAKEN PRIOR TO ENACTMENT.—No person shall be considered to have made a payment for a coordinated communication under section 324 of the Federal Election Campaign Act of 1971 (as amended by subsection (b)) by reason of any action taken by the person prior to the date of the enactment of this Act. Nothing in the previous sentence shall be construed to affect any determination under any other provision of such Act which is in effect on the date of the enactment of this Act regarding whether a communication is made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, an authorized committee of a candidate, or a political committee of a political party.

SEC. 104. TREATMENT OF POLITICAL PARTY COMMUNICATIONS MADE ON BEHALF OF CANDIDATES.

(a) TREATMENT OF PAYMENT FOR PUBLIC COMMUNICATION AS CONTRIBUTION IF MADE UNDER CONTROL OR DIRECTION OF CANDIDATE.—Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)), as amended by section 103(a), is amended—

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

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

(3) by adding at the end the following new clause:

''(iv) any payment by a political committee of a political party for the direct costs of a public communication (as defined in paragraph (22)) made on behalf of a candidate for Federal office who is affiliated with such party, but only if the communication is controlled by, or made at the direction of, the candidate or an authorized committee of the candidate.''.

(b) REQUIRING CONTROL OR DIRECTION BY CANDIDATE FOR TREATMENT AS COORDINATED PARTY EXPENDITURE.—

(1) IN GENERAL.—Paragraph (4) of section 315(d) of such Act (2 U.S.C. 441a(d)) is amended to read as follows:

''(4) SPECIAL RULE FOR DIRECT COSTS OF COMMUNICATIONS.—The direct costs incurred by a political committee of a political party for a communication made in connection with the campaign of a candidate for Federal office shall not be subject to the limitations contained in paragraphs (2) and (3) unless the communication is controlled by, or made at the direction of, the candidate or an authorized committee of the candidate.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 315(d) of such Act (2 U.S.C. 441a(d)) is amended by striking ''paragraphs (2), (3), and (4)'' and inserting ''paragraphs (2) and (3)''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to payments made on or after the expiration of the 30-day period which begins on the date of the enactment of this Act, without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

SEC. 105. RESTRICTION ON INTERNET COMMUNICATIONS TREATED AS PUBLIC COMMUNICATIONS.

(a) IN GENERAL.—Section 301(22) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(22)) is amended by adding at the end the following new sentence: ''A communication which is disseminated through the Internet shall not be treated as a form of general public political advertising under this paragraph unless the communication was placed for a fee on another person's Web site.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

TITLE II—PROMOTING EFFECTIVE DISCLOSURE OF CAMPAIGN-RELATED ACTIVITY

Subtitle A—Treatment of Independent Expenditures and Electioneering Communications Made by All Persons

SEC. 201. INDEPENDENT EXPENDITURES.

(a) REVISION OF DEFINITION.—Subparagraph (A) of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended to read as follows:

''(A) that, when taken as a whole, expressly advocates the election or defeat of a clearly identified candidate, or is the functional equivalent of express advocacy because it can be interpreted by a reasonable person only as advocating the election or defeat of a candidate, taking into account whether the communication involved mentions a candidacy, a political party, or a challenger to a candidate, or takes a position on a candidate's character, qualifications, or fitness for office; and''.

(b) UNIFORM 24-HOUR REPORTING FOR PERSONS MAKING INDEPENDENT EXPENDITURES EXCEEDING $10,000 AT ANY TIME.—Section 304(g) of such Act (2 U.S.C. 434(g)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) INDEPENDENT EXPENDITURES EXCEEDING THRESHOLD AMOUNT.—

''(A) INITIAL REPORT.—A person (including a political committee) that makes or contracts to make independent expenditures in an aggregate amount equal to or greater than the threshold amount described in paragraph (2) shall electronically file a report describing the expenditures within 24 hours.

''(B) ADDITIONAL REPORTS.—After a person files a report under subparagraph (A), the person shall electronically file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures in an aggregate amount equal to or greater than the threshold amount with respect to the same election as that to which the initial report relates.

''(C) THRESHOLD AMOUNT DESCRIBED.—In this paragraph, the 'threshold amount' means—

''(i) during the period up to and including the 20th day before the date of an election, $10,000; or

''(ii) during the period after the 20th day, but more than 24 hours, before the date of an election, $1,000.

''(2) PUBLIC AVAILABILITY.—Notwithstanding any other provision of this section, the Commission shall ensure that the information required to be disclosed under this subsection is publicly available through the Commission website not later than 24 hours after receipt in a manner

that is downloadable in bulk and machine readable.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to contributions and expenditures made on or after the expiration of the 30-day period which begins on the date of the enactment of this Act, without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

(2) REPORTING REQUIREMENTS.—The amendment made by subsection (b) shall apply with respect to reports required to be filed after the date of the enactment of this Act.

SEC. 202. ELECTIONEERING COMMUNICATIONS.

(a) EXPANSION OF PERIOD COVERING GENERAL ELECTION.—Section 304(f)(3)(A)(i)(II)(aa) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(f)(3)(A)(i)(II)(aa)) is amended by striking ''60 days'' and inserting ''120 days''.

(b) EFFECTIVE DATE; TRANSITION FOR COMMUNICATIONS MADE PRIOR TO ENACTMENT.—The amendment made by subsection (a) shall apply with respect to communications made on or after the date of the enactment of this Act, without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments, except that no communication which is made prior to the date of the enactment of this Act shall be treated as an electioneering communication under section 304(f)(3)(A)(i)(II) of the Federal Election Campaign Act of 1971 (as amended by subsection (a)) unless the communication would be treated as an electioneering communication under such section if the amendment made by subsection (a) did not apply.

SEC. 203. MANDATORY ELECTRONIC FILING BY PERSONS MAKING INDEPENDENT EXPENDITURES OR ELECTIONEERING COMMUNICATIONS EXCEEDING $10,000 AT ANY TIME.

Section 304(d)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)(1)) is amended—

(1) by striking ''or (g)''; and

(2) by adding at the end the following: ''Notwithstanding any other provision of this section, any person who is required to file a statement under subsection (f) or subsection (g) shall file the statement in electronic form accessible by computers, in a manner which ensures that the information provided is searchable, sortable, and downloadable.''.

Subtitle B—Expanded Requirements for Corporations and Other Organizations

SEC. 211. ADDITIONAL INFORMATION REQUIRED TO BE INCLUDED IN REPORTS ON DISBURSEMENTS BY COVERED ORGANIZATIONS.

(a) INDEPENDENT EXPENDITURE REPORTS.—Section 304(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(g)) is amended by adding at the end the following new paragraph:

''(5) DISCLOSURE OF ADDITIONAL INFORMATION BY COVERED ORGANIZATIONS MAKING PAYMENTS FOR PUBLIC INDEPENDENT EXPENDITURES.—

''(A) ADDITIONAL INFORMATION.—If a covered organization makes or contracts to make public independent expenditures in an aggregate amount equal to or exceeding $10,000 in a calendar year, the report filed by the organization under this subsection shall include, in addition to the information required under paragraph (3), the following information subject to Subparagraph (B)(iv)):

''(i) If any person made a donation or payment to the covered organization during the covered organization reporting period which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity—

''(I) subject to subparagraph (C), the identification of each person who made such donations or payments in an aggregate amount equal to or exceeding $600 during such period, presented in the order of the aggregate amount of donations or payments made by such persons during such period (with the identification of the person making the largest donation or payment appearing first); and

''(II) if any person identified under subclause (I) designated that the donation or payment be used for campaign-related activity with respect to a specific election or in support of a specific candidate, the name of the election or candidate involved, and if any such person designated that the donation or payment be used for a specific public independent expenditure, a description of the expenditure.

''(ii) The identification of each person who made unrestricted donor payments to the organization during the covered organization reporting period—

''(I) in an aggregate amount equal to or exceeding $600 during such period, if any of the disbursements made by the organization for any of the public independent expenditures which are covered by the report were not made from the organization's Campaign-Related Activity Account under section 326; or

''(II) in an aggregate amount equal to or exceeding $6,000 during such period, if the disbursements made by the organization for all of the public independent expenditures which are covered by the report were made exclusively from the organization's Campaign-Related Activity Account under section 326 (but only if the organization has made deposits described in subparagraph (D) of section 326(a)(2) into that Account during such period in an aggregate amount equal to or greater than $10,000),

presented in the order of the aggregate amount of payments made by such persons during such period (with the identification of the person making the largest payment appearing first).

''(B) TREATMENT OF TRANSFERS MADE TO OTHER PERSONS.—

''(i) IN GENERAL.—Subject to clause (iii), for purposes of the requirement to file reports under this subsection (including the requirement under subparagraph (A) to include additional information in such reports), a covered organization which transfers amounts to another person (other than the covered organization itself) for the purpose of making a public independent expenditure by that person or by any other person, or (in accordance with clause (ii)) which is deemed to have transferred amounts to another person (other than the covered organization itself) for the purpose of making a public independent expenditure by that person or by any other person, shall be considered to have made a public independent expenditure.

''(ii) RULES FOR DEEMING TRANSFERS MADE FOR PURPOSE OF MAKING EXPENDITURES.—For purposes of clause (i), in determining whether a covered organization which transfers amounts to another person shall be deemed to have transferred the amounts for the purpose of making a public independent expenditure, the following rules apply:

''(I) The covered organization shall be deemed to have transferred the amounts for the purpose of making a public independent expenditure if—

''(aa) the covered organization designates, requests, or suggests that the amounts be used for public independent expenditures and the person to whom the amounts were transferred agrees to do so;

''(bb) the person making the public independent expenditure or another person acting on that person's behalf expressly solicited the covered organization for a donation or payment for making or paying for any public independent expenditures;

''(cc) the covered organization and the person to whom the amounts were transferred engaged in written or oral discussion regarding the person either making, or paying for, any public independent expenditure, or donating or transferring the amounts to another person for that purpose;

''(dd) the covered organization which transferred the funds knew or had reason to know that the person to whom the amounts were transferred intended to make public independent expenditures; or

''(ee) the covered organization which transferred the funds or the person to whom the amounts were transferred made one or more public independent expenditures in an aggregate amount of $50,000 or more during the 2-year period which ends on the date on which the amounts were transferred.''.

''(II) The covered organization shall not be deemed to have transferred the amounts for the purpose of making a public independent expenditure if—

''(aa) the transfer was a commercial transaction occurring in the ordinary course of business between the covered organization and the person to whom the amounts were transferred, unless there is affirmative evidence that the amounts were transferred for the purpose of making a public independent expenditure; or

''(bb) the covered organization and the person to whom the amounts were transferred mutually agreed (as provided in section 325(b)(1)) that the person will not use the amounts for campaign-related activity.''.

''(iii) SPECIAL RULE REGARDING TRANSFERS AMONG AFFILIATES.—

''(I) SPECIAL RULE.—In the case of an amount transferred by one covered organization to another covered organization which is treated as a transfer between affiliates under subclause (II), clause (i) and (ii) shall apply to the covered organization which transfers the amount only if the aggregate amount transferred during the year by such covered organization is equal to or greater than $50,000.

''(II) DESCRIPTION OF TRANSFERS BETWEEN AFFILIATES.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

''(aa) one of the organizations is an affiliate of the other organization; or

''(bb) each of the organizations is an affiliate of the same organization,

except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of disbursing funds for campaign-related activity.

''(III) DETERMINATION OF AFFILIATE STATUS.—For purposes of subclause (II), a covered organization is an affiliate of another covered organization if—

''(aa) the governing instrument of the organization requires it to be bound by decisions of the other organization;

''(bb) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

''(cc) the organization is chartered by the other organization.

''(IV) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(C)(3) ORGANIZATIONS.—This clause shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this clause applies to an amount transferred by a covered organization to another covered organization.

''(iv) SPECIAL THRESHOLD FOR DISCLOSURE OF DONORS.— Notwithstanding clause (i) or (ii) of subparagraph (A), if a covered organization is required to include the identification of a person described in such clause in a report filed under this subsection because the covered organization is deemed (in accordance with clause (ii)) to have transferred amounts for the purpose of

making a public independent expenditure, the organization shall include the identification of the person only if the person made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of a person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period involved in an aggregate amount equal to or exceeding $10,000.

''(v) WAIVER OF REQUIREMENT TO FILE REPORT.—Notwithstanding clause (i), a covered organization which is considered to have made a public independent expenditure under such clause shall not be required to file a report under this subsection if—

''(I) the organization would be required to file the report solely because the organization is deemed (in accordance with clause (ii)) to have transferred amounts for the purpose of making a public independent expenditure;

''(II) no person made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period involved in an aggregate amount equal to or exceeding $10,000; and

''(III) all of the persons who made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of a person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period in any amount were individuals.''.

''(C) EXCLUSION OF AMOUNTS DESIGNATED FOR OTHER CAMPAIGN-RELATED ACTIVITY.—For purposes of subparagraph (A)(i), in determining the amount of a donation or payment made by a person which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity, there shall be excluded any amount which was designated by the person to be used—

''(i) for campaign-related activity described in clause (i) of section 325(d)(2)(A) (relating to independent expenditures) with respect to a different election, or with respect to a candidate in a different election, than an election which is the subject of any of the public independent expenditures covered by the report involved; or

''(ii) for any campaign-related activity described in clause (ii) of section 325(d)(2)(A) (relating to electioneering communications).

''(D) EXCLUSION OF AMOUNTS PAID FROM SEPARATE SEGREGATED FUND.—In determining the amount of public independent expenditures made by a covered organization for purposes of this paragraph, there shall be excluded any amounts paid from a separate segregated fund established and administered by the organization under section 316(b)(2)(C).

''(E) DETERMINATION OF AMOUNT OF CERTAIN PAYMENTS AMONG AFFILIATES.—For purposes of determining the amount of any donation, payment, or transfer under this subsection which is made by a covered organization to another covered organization which is an affiliate of the covered organization or each of which is an affiliate of the same organization (as determined in accordance with subparagraph (B)(iii)), to the extent that the donation, payment, or transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the donation, payment, or transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.''.

''(F) COVERED ORGANIZATION REPORTING PERIOD DESCRIBED.—In this paragraph, the 'covered organization reporting period' is, with respect to a report filed by a covered organization under this subsection—

''(i) in the case of the first report filed by a covered organization under this subsection which includes information required under this paragraph, the shorter of—

''(I) the period which begins on the effective date of the Democracy is Strengthened by Casting Light on Spending in Elections Act and ends on the last day covered by the report, or

''(II) the 12-month period ending on the last day covered by the report; and

''(ii) in the case of any subsequent report filed by a covered organization under this subsection which includes information required under this paragraph, the period occurring since the most recent report filed by the organization which includes such information.

''(G) COVERED ORGANIZATION DEFINED.—In this paragraph, the term 'covered organization' means any of the following:

''(i) Any corporation which is subject to section 316(a) '', other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.''.

''(ii) Any labor organization (as defined in section 316).

''(iii) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code '', other than an exempt section 501(c)(4) organization (as defined in section 301(27)).''.

''(iv) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

''(H) OTHER DEFINITIONS.—In this paragraph—

''(i) the terms 'campaign-related activity' and 'unrestricted donor payment' have the meaning given such terms in section 325; and

''(ii) the term 'public independent expenditure' means an independent expenditure for a public communication (as defined in section 301(22)).''.

(b) ELECTIONEERING COMMUNICATION REPORTS.—

(1) IN GENERAL.—Section 304(f) of such Act (2 U.S.C. 434(f)) is amended—

(A) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8); and

(B) by inserting after paragraph (5) the end the following new paragraph:

''(6) DISCLOSURE OF ADDITIONAL INFORMATION BY COVERED ORGANIZATIONS.—

''(A) ADDITIONAL INFORMATION.—If a covered organization files a statement under this subsection, the statement shall include, in addition to the information required under paragraph (2), the following information (subject to subparagraph (B)(iv)):''.

''(i) If any person made a donation or payment to the covered organization during the covered organization reporting period which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity—

''(I) subject to subparagraph (C), the identification of each person who made such donations or payments in an aggregate amount equal to or exceeding $1,000 during such period, presented in the order of the aggregate amount of donations or payments made by such persons during such period (with the identification of the person making the largest donation or payment appearing first); and

''(II) if any person identified under subclause (I) designated that the donation or payment be used for campaign-related activity with respect to a specific election or in support of a specific candidate, the name of the election or candidate involved, and if any such person designated that the donation or payment be used for a specific electioneering communication, a description of the communication.

''(ii) The identification of each person who made unrestricted donor payments to the organization during the covered organization reporting period—

''(I) in an aggregate amount equal to or exceeding $1,000 during such period, if the organization made any of the disbursements which are described in subclause (II) from a source other than the organization's Campaign-Related Activity Account under section 326; or

''(II) in an aggregate amount equal to or exceeding $10,000 during such period, if the organization made from its Campaign-Related Activity Account under section 326 all of its disbursements for electioneering communications during such period which are, on the basis of a reasonable belief by the organization, subject to treatment as disbursements for an exempt function for purposes of section 527(f) of the Internal Revenue Code of 1986 (but only if the organization has made deposits described in subparagraph (D) of section 326(a)(2) into that Account during such period in an aggregate amount equal to or greater than $10,000),''

presented in the order of the aggregate amount of payments made by such persons during such period (with the identification of the person making the largest payment appearing first).

''(B) TREATMENT OF TRANSFERS MADE TO OTHER PERSONS.—

''(i) IN GENERAL.—Subject to clause (iii), for purposes of the requirement to file statements under this subsection (including the requirement under subparagraph (A) to include additional information in such statements), a covered organization which transfers amounts to another person (other than the covered organization itself) for the purpose of making an electioneering communication by that person or by any other person, or (in accordance with clause (ii)) which is deemed to have transferred amounts to another person (other than the covered organization itself) for the purpose of making an electioneering communication by that person or by any other person, shall be considered to have made a disbursement for an electioneering communication.

''(ii) RULES FOR DEEMING TRANSFERS MADE FOR PURPOSE OF MAKING COMMUNICATIONS.—For purposes of clause (i), in determining whether a covered organization which transfers amounts to another person shall be deemed to have transferred the amounts for the purpose of making an electioneering communication, the following rules apply:

''(I) The covered organization shall be deemed to have transferred the amounts for the purpose of making an electioneering communication if—

''(aa) the covered organization designates, requests, or suggests that the amounts be used for electioneering communications and the person to whom the amounts were transferred agrees to do so;

''(bb) the person making the electioneering communication or another person acting on that person's behalf expressly solicited the covered organization for a donation or payment for making or paying for any electioneering communications;

''(cc) the covered organization and the person to whom the amounts were transferred engaged in written or oral discussion regarding the person either making, or paying for, any electioneering communications, or donating or transferring the amounts to another person for that purpose;

''(dd) the covered organization which transferred the funds knew or had reason to know what the person to whom the amounts wee transferred intended to make electioneering communications; or

''(ee) the covered organization which transferred the funds or the person to whom the amounts were transferred made one or more electioneering communications in an aggregate amount of $50,000 or more during the 2-year period which ends on the date on which the amounts were transferred.''.

''(II) The covered organization shall not be deemed to have transferred the amounts for the

purpose of making an electioneering communication if—

''(aa) the transfer was a commercial transaction occurring in the ordinary course of business between the covered organization and the person to whom the amounts were transferred, unless there is affirmative evidence that the amounts were transferred for the purpose of making an electioneering communication; or

''(bb) the covered organization and the person to whom the amounts were transferred mutually agreed (as provided in section 325(b)(1)) that the person will not use the amounts for campaign-related activity.''.

''(iii) SPECIAL RULE REGARDING TRANSFERS AMONG AFFILIATES.—

''(I) SPECIAL RULE.—In the case of an amount transferred by one covered organization to another covered organization which is treated as a transfer between affiliates under subclause (II), clause (i) and (ii) shall apply to the covered organization which transfers the amount only if the aggregate amount transferred during the year by such covered organization to that same covered organization is equal to or greater than $50,000.

''(II) DESCRIPTION OF TRANSFERS BETWEEN AFFILIATES.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

''(aa) one of the organizations is an affiliate of the other organization; or

''(bb) each of the organizations is an affiliate of the same organization,

except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of disbursing funds for campaign-related activity.

''(III) DETERMINATION OF AFFILIATE STATUS.—For purposes of subclause (II), a covered organization is an affiliate of another covered organization if—

''(aa) the governing instrument of the organization requires it to be bound by decisions of the other organization;

''(bb) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

''(cc) the organization is chartered by the other organization.

''(IV) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(C)(3) ORGANIZATIONS.—This clause shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this clause applies to an amount transferred by a covered organization to another covered organization.

''(iv) SPECIAL THRESHOLD FOR DISCLOSURE OF DONORS.—Notwithstanding clause (i) or (ii) of subparagraph (A), if a covered organization is required to include the identification of a person described in such clause in a statement filed under this subsection because the covered organization is deemed (in accordance with clause (ii)) to have transferred amounts for the purpose of making an electioneering communication, the organization shall include the identification of the person only if the person made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of a person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period involved in an aggregate amount equal to or exceeding $10,000.

''(v) WAIVER OF REQUIREMENT TO FILE STATEMENT.—Notwithstanding clause (i), a covered organization which is considered to have made a disbursement for an electioneering communication under such clause shall not be required to file a report under this subsection if—

''(I) the organization would be required to file the report solely because the organization is deemed (in accordance with clause (ii) to have transferred amounts for the purpose of making an electioneering communication;

''(II) no person made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of a person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period involved in an aggregate amount equal to or exceeding $10,000; and

''(III) all of the persons who made donations or payments (in the case of a person described in clause (i)(I) of subparagraph (A)) or unrestricted donor payments (in the case of a person described in clause (ii) of subparagraph (A)) to the covered organization during the covered organization reporting period in any amount were individuals.''.

''(C) EXCLUSION OF AMOUNTS DESIGNATED FOR OTHER CAMPAIGN-RELATED ACTIVITY.—For purposes of subparagraph (A)(i), in determining the amount of a donation or payment made by a person which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity, there shall be excluded any amount which was designated by the person to be used—

''(i) for campaign-related activity described in clause (ii) of section 325(d)(2)(A) (relating to electioneering communications) with respect to a different election, or with respect to a candidate in a different election, than an election which is the subject of any of the electioneering communications covered by the statement involved; or

''(ii) for any campaign-related activity described in clause (i) of section 325(d)(2)(A) (relating to independent expenditures consisting of a public communication).

''(D) DETERMINATION OF AMOUNT OF CERTAIN PAYMENTS AMONG AFFILIATES.—For purposes of determining the amount of any donation, payment, or transfer under this subsection which is made by a covered organization to another covered organization which is an affiliate of the covered organization or each of which is an affiliate of the same organization (as determined in accordance with subparagraph (B)(iii)), to the extent that the donation, payment, or transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the donation, payment, or transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.''.

''(E) COVERED ORGANIZATION REPORTING PERIOD DESCRIBED.—In this paragraph, the 'covered organization reporting period' is, with respect to a statement filed by a covered organization under this subsection—

''(i) in the case of the first statement filed by a covered organization under this subsection which includes information required under this paragraph, the shorter of—

''(I) the period which begins on the effective date of the Democracy is Strengthened by Casting Light on Spending in Elections Act and ends on the disclosure date for the statement, or

''(II) the 12-month period ending on the disclosure date for the statement; and

''(ii) in the case of any subsequent statement filed by a covered organization under this subsection which includes information required under this paragraph, the period occurring since the most recent statement filed by the organization which includes such information.

''(F) COVERED ORGANIZATION DEFINED.—In this paragraph, the term 'covered organization' means any of the following:

''(i) Any corporation which is subject to section 316(a), other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

''(ii) Any labor organization (as defined in section 316).

''(iii) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, other than an exempt section 501(c)(4) organization (as defined in section 301(27)).

''(iv) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

''(G) OTHER DEFINITIONS.—In this paragraph, the terms 'campaign-related activity' and 'unrestricted donor payment' have the meaning given such terms in section 325.''.

(2) CONFORMING AMENDMENT.—Section 304(f)(2) of such Act (2 U.S.C. 434(f)(2)) is amended by striking ''If the disbursements'' each place it appears in subparagraphs (E) and (F) and inserting the following: ''Except in the case of a statement which is required to include additional information under paragraph (6), if the disbursements''.

(c) EXEMPTION OF CERTAIN SECTION 501(c)(4) ORGANIZATIONS.—Section 301 of such Act (2 U.S.C. 431) is amended by adding at the end the following:

''(27) EXEMPT SECTION 501(C)(4) ORGANIZATION.—The term 'exempt section 501(c)(4) organization' means, with respect to disbursements made by an organization during a calendar year, and organization for which the chief executive officer of the organization certifies to the Commission (prior to the first disbursement made by the organization during the year) that each of the following applies:

''(A) The organization is described in paragraph (4) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and was so described and so exempt during each of the 10 previous calendar years.

''(B) The organization has at least 500,000 individuals who paid membership dues during the previous calendar year (determined as of the last day of that year).

''(C) The dues-paying membership of the organization includes at least one individual from each State. For purposes of this subparagraph, the term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(D) During the previous calendar year, the portion of funds provided to the organization by corporations (as described in section 316) or labor organizations (as defined in section 316), other than funds provided pursuant to commercial transactions occurring in the ordinary course of business, did not exceed 15 percent of the total amount of all funds provided to the organization from all sources.

''(E) The organization does not use any of the funds provided to the organization by corporations (as described in section 316) or labor organizations (as defined in section 316) for campaign-related activity (as defined in section 325).''.

SEC. 212. RULES REGARDING USE OF GENERAL TREASURY FUNDS BY COVERED ORGANIZATIONS FOR CAMPAIGN-RELATED ACTIVITY.

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

''SEC. 325. SPECIAL RULES FOR USE OF GENERAL TREASURY FUNDS BY COVERED ORGANIZATIONS FOR CAMPAIGN-RELATED ACTIVITY.

''(a) USE OF FUNDS FOR CAMPAIGN-RELATED ACTIVITY.—

''(1) IN GENERAL.—Subject to any applicable restrictions and prohibitions under this Act, a covered organization may make disbursements for campaign-related activity using—

''(A) amounts paid or donated to the organization which are designated by the person providing the amounts to be used for campaign-related activity;

''(B) unrestricted donor payments made to the organization; and

''(C) other funds of the organization, including amounts received pursuant to commercial activities in the regular course of a covered organization's business.

''(2) NO EFFECT ON USE OF SEPARATE SEGREGATED FUND.—Nothing in this section shall be construed to affect the authority of a covered organization to make disbursements from a separate segregated fund established and administered by the organization under section 316(b)(2)(C).

''(b) MUTUALLY AGREED RESTRICTIONS ON USE OF FUNDS FOR CAMPAIGN-RELATED ACTIVITY.—

''(1) AGREEMENT AND CERTIFICATION.—If a covered organization and a person mutually agree, at the time the person makes a donation, payment, or transfer to the organization which would require the organization to disclose the person's identification under section 304(g)(5)(A)(ii) or section 304(f)(6)(A)(ii), that the organization will not use the donation, payment, or transfer for campaign-related activity, then not later than 30 days after the organization receives the donation, payment, or transfer the organization shall transmit to the person a written certification by the chief financial officer of the covered organization (or, if the organization does not have a chief financial officer, the highest ranking financial official of the organization) that—

''(A) the organization will not use the donation, payment, or transfer for campaign-related activity; and

''(B) the organization will not include any information on the person in any report filed by the organization under section 304 with respect to independent expenditures or electioneering communications, so that the person will not be required to appear in a significant funder statement or a Top 5 Funders list under section 318(e).

''(2) EXCEPTION FOR PAYMENTS MADE PURSUANT TO COMMERCIAL ACTIVITIES.—Paragraph (1) does not apply with respect to any payment or transfer made pursuant to commercial activities in the regular course of a covered organization's business.

''(c) CERTIFICATIONS REGARDING DISBURSEMENTS FOR CAMPAIGN-RELATED ACTIVITY.—

''(1) CERTIFICATION BY CHIEF EXECUTIVE OFFICER.—If, at any time during a calendar quarter, a covered organization makes a disbursement of funds for campaign-related activity using funds described in subsection (a)(1), the chief executive officer of the covered organization or the chief executive officer's designee (or, if the organization does not have a chief executive officer, the highest ranking official of the organization or the highest ranking official's designee) shall file a statement with the Commission which contains the following certifications:

''(A) None of the campaign-related activity for which the organization disbursed the funds during the quarter was made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate, or political committee of a political party or agent of any political party.

''(B) The chief executive officer or highest ranking official of the covered organization (as the case may be) has reviewed and approved each statement and report filed by the organization under section 304 with respect to any such disbursement made during the quarter.

''(C) Each statement and report filed by the organization under section 304 with respect to any such disbursement made during the quarter is complete and accurate.

''(D) All such disbursements made during the quarter are in compliance with this Act.

''(E) No portion of the amounts used to make any such disbursements during the quarter is attributable to funds received by the organization ''that were subject to a mutual agreement (as provided in subsection (b)(1)) that the organization will not use the funds for campaign-related activity'', by the person who provided the funds from being used for campaign-related activity pursuant to subsection (b).

''(2) APPLICATION OF ELECTRONIC FILING RULES.—Section 304(d)(1) shall apply with respect to a statement required under this subsection in the same manner as such section applies with respect to a statement under subsection (c) or (g) of section 304.

''(3) DEADLINE.—The chief executive officer or highest ranking official of a covered organization (as the case may be) shall file the statement required under this subsection with respect to a calendar quarter not later than 15 days after the end of the quarter.

''(d) DEFINITIONS.—For purposes of this section, the following definitions apply:

''(1) COVERED ORGANIZATION.—The term 'covered organization' means any of the following:

''(A) Any corporation which is subject to section 316(a), other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.''.

''(B) Any labor organization (as defined in section 316).

''(C) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code '', other than an exempt section 501(c)(4) organization (as defined in section 301(27).''.

''(D) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

''(2) CAMPAIGN-RELATED ACTIVITY.—

''(A) IN GENERAL.—The term 'campaign-related activity' means—

''(i) an independent expenditure consisting of a public communication (as defined in section 301(22)), a transfer of funds to another person (other than the transferor itself) for the purpose of making such an independent expenditure by that person or by any other person (subject to subparagraph (c)), or (in accordance with subparagraph (B) and subject to subparagraph (C)) a transfer of funds to another person (other than the transferor itself) which is deemed to have been made for the purpose of making such an independent expenditure by that person or by any other person; or

''(ii) an electioneering communication, a transfer of funds to another person (other than the transferor itself) for the purpose of making an electioneering communication by that person or by any other person (subject to subparagraph C)), or in accordance with subparagraph (B) and subject to subparagraph (C)) a transfer of funds to another person (other than the transferor itself) which is deemed to have been made for the purpose of making an electioneering communication by that person or by any other person.

''(B) RULE FOR DEEMING TRANSFERS MADE FOR PURPOSE OF CAMPAIGN-RELATED ACTIVITY.—For purposes of subparagraph (A), in determining whether a transfer of funds by a covered organization to another person shall be deemed to have been made for the purpose of making an independent expenditure consisting of a public communication or an electioneering communication, the following rules apply:

''(i) The transfer shall be deemed to have been made for the purpose of making such an independent expenditure or an electioneering communication if—

''(I) the covered organization designates, requests, or suggests that the amounts be used for such independent expenditures or electioneering communications and the person to whom the amounts were transferred agrees to do so;

''(II) the person making such independent expenditures or electioneering communications or another person acting on that person's behalf expressly solicited the covered organization for a donation or payment for making or paying for any such independent expenditure or electioneering communication;

''(III) the covered organization and the person to whom the amounts were transferred engaged in written or oral discussion regarding the person either making, or paying for, such independent expenditures or electioneering communications, or donating or transferring the amounts to another person for that purpose;

''(IV) the covered organization which transferred the funds knew or had reason to know that the person to whom the amounts were transferred intended to make such independent expenditures or electioneering communications; or

''(V) the covered organization which transferred the funds or the person to whom the amounts were transferred made one or more such independent expenditures or electioneering communications in an aggregate amount of $50,000 or more during the 2-year period which ends on the date on which the amounts were transferred''.

''(ii) The transfer shall not be deemed to have been made for the purpose of making such an independent expenditure or an electioneering communication if—

''(I) the transfer was a commercial transaction occurring in the ordinary course of business between the covered organization and the person to whom the amounts were transferred, unless there is affirmative evidence that the amounts were transferred for the purpose of making such an independent expenditure or electioneering communication; or

''(II) the covered organization and the person to whom the amounts were transferred mutually agreed (as provided in subsection (b)(1)) that the person will not use the amounts for campaign-related activity.

''(C) SPECIAL RULE REGARDING TRANSFERS AMONG AFFILIATES.—

''(I) SPECIAL RULE.—In the case of a transfer of an amount by one covered organization to another covered organization which is treated as a transfer between affiliates under clause (ii), subparagraphs (A) and (B) shall apply to the transfer only if the aggregate amount transferred during the year by such covered organization to that same covered organization is equal to or greater than $50,000.

''(ii) DETERMINATION OF AMOUNT OF CERTAIN TRANSFERS AMONG AFFILIATES.—In determining the amount of a transfer between affiliates for purposes of clause (I), to the extent that the transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.

''(iii) DESCRIPTION OF TRANSFERS BETWEEN AFFILIATES.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

''(I) one of the organizations is an affiliate of the other organization; or

''(II) each of the organizations is an affiliate of the same organization, except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of disbursing funds for campaign-related activity.

''(iv) DETERMINATION OF AFFILIATE STATUS.—For purposes of clause (ii), a covered organization is an affiliate of another covered organization if—

''(I) the governing instrument of the organization requires it to be bound by decisions of the other organization;

''(II) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

''(III) the organization is chartered by the other organization.

''(v) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(C)(3) ORGANIZATIONS.—This subparagraph shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this subparagraph applies to an amount transferred by a covered organization to another covered organization.

''(3) UNRESTRICTED DONOR PAYMENT.—The term 'unrestricted donor payment' means a payment to a covered organization which consists of a donation or payment from a person other than the covered organization, except that such term does not include—

''(A) any payment made pursuant to commercial activities in the regular course of a covered organization's business; or

''(B) any donation or payment which is designated by the person making the donation or payment to be used for campaign-related activity or made in response to a solicitation for funds to be used for campaign-related activity.''.

SEC. 213. OPTIONAL USE OF SEPARATE ACCOUNT BY COVERED ORGANIZATIONS FOR CAMPAIGN-RELATED ACTIVITY.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 212, is further amended by adding at the end the following new section:

''SEC. 326. OPTIONAL USE OF SEPARATE ACCOUNT BY COVERED ORGANIZATIONS FOR CAMPAIGN-RELATED ACTIVITY.

''(a) OPTIONAL USE OF SEPARATE ACCOUNT.—

''(1) ESTABLISHMENT OF ACCOUNT.—

''(A) IN GENERAL.—At its option, a covered organization may make disbursements for campaign-related activity using amounts from a bank account established and controlled by the organization to be known as the Campaign-Related Activity Account (hereafter in this section referred to as the 'Account'), which shall be maintained separately from all other accounts of the organization and which shall consist exclusively of the deposits described in paragraph (2).

''(B) MANDATORY USE OF ACCOUNT AFTER ESTABLISHMENT.—If a covered organization establishes an Account under this section, it may not make disbursements for campaign-related activity from any source other than amounts from the Account, other than disbursements for campaign-related activity which, on the basis of a reasonable belief by the organization, would not be treated as disbursements for an exempt function for purposes of section 527(f) of the Internal Revenue Code of 1986.''.

''(C) EXCLUSIVE USE OF ACCOUNT FOR CAMPAIGN-RELATED ACTIVITY.—Amounts in the Account shall be used exclusively for disbursements by the covered organization for campaign-related activity. After such disbursements are made, information with respect to deposits made to the Account shall be disclosed in accordance with section 304(g)(5) or section 304(f)(6).

''(2) DEPOSITS DESCRIBED.—The deposits described in this paragraph are deposits of the following amounts:

''(A) Amounts donated or paid to the covered organization by a person other than the organization for the purpose of being used for campaign-related activity, and for which the person providing the amounts has designated that the amounts be used for campaign-related activity with respect to a specific election or specific candidate.

''(B) Amounts donated or paid to the covered organization by a person other than the organization for the purpose of being used for campaign-related activity, and for which the person providing the amounts has not designated that the amounts be used for campaign-related activity with respect to a specific election or specific candidate.

''(C) Amounts donated or paid to the covered organization by a person other than the organization in response to a solicitation for funds to be used for campaign-related activity.

''(D) Amounts transferred to the Account by the covered organization from other accounts of the organization, including from the organization's general treasury funds.

''(3) NO TREATMENT AS POLITICAL COMMITTEE.—The establishment and administration of an Account in accordance with this subsection shall not by itself be treated as the establishment or administration of a political committee for any purpose of this Act.

''(b) REDUCTION IN AMOUNTS OTHERWISE AVAILABLE FOR ACCOUNT IN RESPONSE TO DEMAND OF GENERAL DONORS.—

''(1) IN GENERAL.—If a covered organization which has established an Account obtains any revenues during a year which are attributable to a donation or payment from a person other than the covered organization, and if the organization and any such person have mutally agreed (as provided in section 325(b)(1)) that the organization will not use the person's donation, payment, or transfer for campaign-related activity, the organization shall reduce the amount of its revenues available for deposits to the Account which are described in subsection (a)(3)(D) during the year by the amount of the donation or payment which is subject to the mutual agreement.''.

''(2) EXCEPTION.—Paragraph (1) does not apply with respect to any payment made pursuant to commercial activities in the regular course of a covered organization's business.

''(c) COVERED ORGANIZATION DEFINED.—In this section, the term 'covered organization' means any of the following:

''(1) Any corporation which is subject to section 316(a), other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such code.''.

''(2) Any labor organization (as defined in section 316).

''(3) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, other than an exempt section 501(c)(4) organization (as defined in section 301(27)).''.

''(4) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

''(d) CAMPAIGN-RELATED ACTIVITY DEFINED.—In this section, the term 'campaign-related activity' has the meaning given such term in section 325.''.

(b) CLARIFICATION OF TREATMENT AS SEPARATE SEGREGATED FUND.—A Campaign-Related Activity Account (within the meaning of section 326 of the Federal Election Campaign Act of 1971, as added by subsection (a)) may be treated as a separate segregated fund for purposes of section 527(f)(3) of the Internal Revenue Code of 1986.

SEC. 214. MODIFICATION OF RULES RELATING TO DISCLAIMER STATEMENTS REQUIRED FOR CERTAIN COMMUNICATIONS.

(a) APPLYING REQUIREMENTS TO ALL INDEPENDENT EXPENDITURE COMMUNICATIONS.—Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)) is amended by striking ''for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate'' and inserting ''for an independent expenditure consisting of a public communication''.

(b) STAND BY YOUR AD REQUIREMENTS.—

(1) MAINTENANCE OF EXISTING REQUIREMENTS FOR COMMUNICATIONS BY POLITICAL PARTIES AND OTHER POLITICAL COMMITTEES.—Section 318(d)(2) of such Act (2 U.S.C. 441d(d)(2)) is amended—

(A) in the heading, by striking ''OTHERS'' and inserting ''POLITICAL COMMITTEES'';

(B) by striking ''subsection (a)'' and inserting ''subsection (a) which is paid for by a political committee (including a political committee of a political party), other than a political committee which is described in subsection (e)(7)(B)''; and

(C) by striking ''or other person'' each place it appears.

(2) SPECIAL DISCLAIMER REQUIREMENTS FOR CERTAIN COMMUNICATIONS.—Section 318 of such Act (2 U.S.C. 441d) is amended by adding at the end the following new subsection:

''(e) COMMUNICATIONS BY OTHERS.—

''(1) IN GENERAL.—Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television (other than a communication to which subsection (d)(2) applies because the communication is paid for by a political committee, including a political committee of a political party, other than a political committee which is described in paragraph (7)(b)) shall include, in addition to the requirements of that paragraph, the following:

''(A) The individual disclosure statement described in paragraph (2) (if the person paying for the communication is an individual) or the organizational disclosure statement described in paragraph (3) (if the person paying for the communication is not an individual).

''(B) If the communication is an electioneering communication or an independent expenditure consisting of a public communication and is paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325, the significant funder disclosure statement described in paragraph (4) (if applicable), unless, on the basis of criteria established in regulations promulgated by the Commission, the communication is of such short duration that including the statement in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the communication's content to consist of the statement.

''(C) If the communication is an electioneering communication or an independent expenditure consisting of a public communication and is paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325, the Top Five Funders list described in paragraph (5) (if applicable), unless, on the basis of criteria established in regulations promulgated by the Commission, the communication is of such short duration that including the Top Five Funders list in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the communication's content to consist of the Top Five Funders list.

''(2) INDIVIDUAL DISCLOSURE STATEMENT DESCRIBED.—The individual disclosure statement described in this paragraph is the following: 'I am _____, and I approve this message.', with the blank filled in with the name of the applicable individual.

''(3) ORGANIZATIONAL DISCLOSURE STATEMENT DESCRIBED.—The organizational disclosure statement described in this paragraph is the following: 'I am _____, the _____ of _____, and _____ approves this message.', with—

''(A) the first blank to be filled in with the name of the applicable individual;

''(B) the second blank to be filled in with the title of the applicable individual; and

''(C) the third and fourth blank each to be filled in with the name of the organization or other person paying for the communication.

''(4) SIGNIFICANT FUNDER DISCLOSURE STATEMENT DESCRIBED.—

''(A) STATEMENT IF SIGNIFICANT FUNDER IS AN INDIVIDUAL.—If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is an individual, the significant funder disclosure statement described in this paragraph is the following: 'I am _____. I helped to pay for this message, and I approve it.', with the blank filled in with the name of the applicable individual.

''(B) STATEMENT IF SIGNIFICANT FUNDER IS NOT AN INDIVIDUAL.—If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is not an individual, the significant funder disclosure statement described in this paragraph is the following: 'I am _____, the _____ of _____. _____ helped to pay for this message, and _____ approves it.', with—

''(i) the first blank to be filled in with the name of the applicable individual;

''(ii) the second blank to be filled in with the title of the applicable individual; and

''(iii) the third, fourth, and fifth blank each to be filled in with the name of the significant funder of the communication.

''(C) SIGNIFICANT FUNDER DEFINED.—

''(i) INDEPENDENT EXPENDITURES.—For purposes of this paragraph, the 'significant funder' with respect to an independent expenditure consisting of a public communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 shall be determined as follows:

''(I) If any report filed by any organization with respect to the independent expenditure under section 304 during the 12-month period which ends on the date of disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding $100,000 which was designated by the person to be used for campaign-related activity consisting of that specific independent expenditure (as required to be included in the report under section 304(g)(5)(A)(i)), the person who is identified among all such reports as making the largest such payment.

''(II) If any report filed by any organization with respect to the independent expenditure under section 304 during the 12-month period which ends on the date of disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding $100,000 which was designated by the person to be used for campaign-related activity with respect to the same election or in support of the same candidate (as required to be included in the report under section 304(g)(5)(A)(i)) but subclause (I) does not apply, the person who is identified among all such reports as making the largest such payment.

''(III) If any report filed by any organization with respect to the independent expenditure under section 304 during the 12-month period which ends on the date of disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding $10,000 which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity (as required to be included in the report under section 304(g)(5)(A)(i)) but subclause (I) or subclause (II) does not apply, the person who is identified among all such reports as making the largest such payment.

''(IV) If none of the reports filed by any organization with respect to the independent expenditure under section 304 during the 12-month period which ends on the date of the disbursement includes information on any person (other than the organization) who made a payment to the organization in an amount equal to or exceeding $10,000 which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity, but any of such reports includes information on any person who made an unrestricted donor payment to the organization (as required to be included in the report under section 304(g)(5)(A)(ii)) in an amount equal to or exceeding $10,000, the person who is identified among all such reports as making the largest such unrestricted donor payment.

''(ii) ELECTIONEERING COMMUNICATIONS.—For purposes of this paragraph, the 'significant funder' with respect to an electioneering communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325, shall be determined as follows:

''(I) If any report filed by any organization with respect to the electioneering communication under section 304 during the 12-month period which ends on the date of the disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding $100,000 which was designated by the person to be used for campaign-related activity consisting of that specific electioneering communication (as required to be included in the report under section 304(f)(6)(A)(i)), the person who is identified among all such reports as making the largest such payment.

''(II) If any report filed by any organization with respect to the electioneering communication under section 304 during the 12-month period which ends on the date of the disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding $100,000 which was designated by the person to be used for campaign-related activity with respect to the same election or in support of the same candidate (as required to be included in the report under section 304(f)(6)(A)(i)) but subclause (I) does not apply, the person who is identified among all such reports as making the largest such payment.

''(III) If any report filed by any organization with respect to the electioneering communication under section 304 during the 12-month period which ends on the date of the disbursement includes information on any person who made a payment to the organization in an amount equal to or exceeding $10,000 which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity (as required to be included in the report under section 304(f)(6)(A)(i)) but subclause (I) or subclause (II) does not apply, the person who is identified among all such reports as making the largest such payment.

''(IV) If none of the reports filed by any organization with respect to the electioneering communication under section 304 during the 12-month period which ends on the date of the disbursement includes information on any person (other than the organization) who made a payment to the organization in an amount equal to or exceeding $10,000 which was provided for the purpose of being used for campaign-related activity or in response to a solicitation for funds to be used for campaign-related activity, but any of such reports includes information on any person who made an unrestricted donor payment to the organization (as required to be included in the report under section 304(f)(6)(A)(ii)) in an amount equal to or exceeding $10,000, the person who is identified among all such reports as making the largest such unrestricted donor payment.

''(5) TOP 5 FUNDERS LIST DESCRIBED.—With respect to a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325, the Top 5 Funders list described in this paragraph is—

''(A) in the case of a disbursement for an independent expenditure consisting of a public communication, a list of the 5 persons (or, in the case of a communication transmitted through radio, the 2 persons) who provided the largest payments of any type in an aggregate amount equal to or exceeding $10,000 which are required under section 304(g)(5)(A) to be included in the reports filed by any organization with respect to that independent expenditure under section 304 during the 12-month period which ends on the date of the disbursement, together with the amount of the payments each such person provided; or

''(B) in the case of a disbursement for an electioneering communication, a list of the 5 persons (or, in the case of a communication transmitted through radio, the 2 persons) who provided the largest payments of any type in an aggregate amount equal to or exceeding $10,000 which are required under section 304(f)(6)(A) to be included in the reports filed by any organization with respect to that electioneering communication under section 304 during the 12-month period which ends on the date of the disbursement, together with the amount of the payments each such person provided.

''(6) METHOD OF CONVEYANCE OF STATEMENT.—

''(A) COMMUNICATIONS TRANSMITTED THROUGH RADIO.—In the case of a communication to which this subsection applies which is transmitted through radio, the disclosure statements required under paragraph (1) shall be made by audio by the applicable individual in a clearly spoken manner.

''(B) COMMUNICATIONS TRANSMITTED THROUGH TELEVISION.—In the case of a communication to which this subsection applies which is transmitted through television, the information required under paragraph (1)—

''(i) shall appear in writing at the end of the communication in a clearly readable manner, with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 6 seconds; and

''(ii) except in the case of a Top 5 Funders list described in paragraph (5), shall also be conveyed by an unobscured, full-screen view of the applicable individual, or by the applicable individual making the statement in voice-over accompanied by a clearly identifiable photograph or similar image of the individual.

''(7) APPLICATION TO CERTAIN PACS.—

''(A) APPLICATION.—This subsection shall apply with respect to an electioneering communication, and to an independent expenditure consisting of a public communication, which is paid for in whole or in part with a payment by a political committee described in subparagraph

(B) in the same manner as this subsection applies with respect to an electioneering communication and an independent expenditure consisting of a public communication which is paid for in whole or in part with a payment which is treated as a disbursement by a covered organization under section 325, except that—

''(i) in applying paragraph (4)(C), the 'significant funder' with respect to such an electioneering communication or such an independent expenditure shall be the person who is identified as providing the largest aggregate amount of contributions, donations, or payments to the political committee during the 12-month period which ends on the date the committee made the disbursement for the electioneering communication or independent expenditure (as determined on the basis of the information contained in all reports filed by the committee under section 304 during such period); and

''(ii) in applying paragraph (5), the ''Top 5 Funders list' shall be a list of the 5 persons who are identified as providing the largest aggregate amounts of contributions, donations, or payments to the political committee during such 12-

month period (as determined on the basis of the information contained in all such reports).

''(B) POLITICAL COMMITTEE DESCRIBED.—A political committee described in this subparagraph is a political committee which receives or accepts contributions or donations which do not comply with the contribution limits or source prohibitions of this Act.''.

''(8) APPLICABLE INDIVIDUAL DEFINED.—In this subsection, the term 'applicable individual' means, with respect to a communication to which this paragraph applies—

''(A) if the communication is paid for by an individual or if the significant funder of the communication under paragraph (4) is an individual, the individual involved;

''(B) if the communication is paid for by a corporation or if the significant funder of the communication under paragraph (4) is a corporation, the chief executive officer of the corporation (or, if the corporation does not have a chief executive officer, the highest ranking official of the corporation);

''(C) if the communication is paid for by a labor organization or if the significant funder of the communication under paragraph (4) is a labor organization, the highest ranking officer of the labor organization; or

''(D) if the communication is paid for by any other person or if the significant funder of the communication under paragraph (4) is any other person, the highest ranking official of such person.

''(9) COVERED ORGANIZATION DEFINED.—In this subsection, the term 'covered organization' means any of the following:

''(A) Any corporation which is subject to section 316(a), other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.''.

''(B) Any labor organization (as defined in section 316).

''(C) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, other than an exempt section 501(c)(4) organization (as defined in section 301(27)).''.

''(D) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.

''(10) OTHER DEFINITIONS.—In this subsection, the terms 'campaign-related activity' and 'unrestricted donor payment' have the meaning given such terms in section 325.''.

(3) APPLICATION TO CERTAIN MASS MAILINGS.—Section 318(a)(3) of such Act (2 U.S.C. 441d(a)(3)) is amended to read as follows:

''(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state—

''(A) the name and permanent street address, telephone number, or World Wide Web address of the person who paid for the communication;

''(B) if the communication is an independent expenditure consisting of a mass mailing (as defined in section 301(23)) which is paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325, or which is paid for in whole or in part by a political committee described in subsection (e)(7)(B), the name and permanent street address, telephone number, or World Wide Web address of—

''(i) the significant funder of the communication, if any (as determined in accordance with subsection (e)(4)(C)(i) or (e)(7)(A)(i)); and

''(ii) each person who would be included in the Top 5 Funders list which would be submitted with respect to the communication if the communication were transmitted through television, if any (as determined in accordance with subsection (e)(5)) or (e)(7)(A)(ii)); and

''(C) that the communication is not authorized by any candidate or candidate's committee.''.

(4) APPLICATION TO POLITICAL ROBOCALLS.—Section 318 of such Act (2 U.S.C. 441d), as amended by paragraph (2), is further amended by adding at the end the following new subsection:

''(f) SPECIAL RULES FOR POLITICAL ROBOCALLS.—

''(1) REQUIRING COMMUNICATIONS TO INCLUDE CERTAIN DISCLAIMER STATEMENTS.—Any communication consisting of a political robocall which would be subject to the requirements of subsection (e) if the communication were transmitted through radio or television shall include the following:

''(A) The individual disclosure statement described in subsection (e)(2) (if the person paying for the communication is an individual) or the organizational disclosure statement described in subsection (e)(3) (if the person paying for the communication is not an individual).

''(B) If the communication is an electioneering communication or an independent expenditure consisting of a public communication and is paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 or which is paid for in whole or in part by a political committee described in subsection (e)(7)(B), the significant funder disclosure statement described in subsection (e)(4) or (e)(7) (if applicable).

''(2) TIMING OF CERTAIN STATEMENT.—The statements required to be included under paragraph (1) shall be made at the beginning of the political robocall, unless, on the basis of criteria established in regulations promulgated by the Commission, the communication is of such short duration that including the statement in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the communication's content to consist of the statement.''.

''(3) POLITICAL ROBOCALL DEFINED.—In this subsection, the term 'political robocall' means any outbound telephone call—

''(A) in which a person is not available to speak with the person answering the call, and the call instead plays a recorded message; and

''(B) which promotes, supports, attacks, or opposes a candidate for election for Federal office.''.

SEC. 215. INDEXING OF CERTAIN AMOUNTS.

Title III of the Federal Election Campaign Act of 1971, as amended by section 213, is amended by adding at the end the following new section:

''SEC. 327. INDEXING OF CERTAIN AMOUNTS.

''(a) INDEXING.—In any calendar year after 2010—

''(1) each of the amounts referred to in subsection (b) shall be increased by the percent difference determined under subparagraph (A) of section 315(c)(1), except that for purposes of this paragraph, such percent difference shall be determined as if the base year referred to in such subparagraph were 2009;

''(2) each amount so increased shall remain in effect for the calendar year; and

''(3) if any amunt after adjustment under paragraph (1) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

''(b) AMOUNTS DESCRIBED.—The amounts referred to in this subsection are as follows:

''(1) The amount referred to in section 304(g)(5)(A)(i)(I).

''(2) The amount referred to in section 304(g)(5)(A)(ii)(I).

''(3) Each of the amounts referred to in section 304(g)(5)(A)(ii)(II).

''(4) The amount referred to in section 304(g)(5)(B)(ii)(I)(ee).

''(5) The amount referred to in section 304(g)(5)(B)(iii)(I).

''(6) The amount referred to in section 304(f)(6)(A)(i)(I).

''(7) The amount referred to in section 304(f)(6)(A)(ii)(I).

''(8) Each of the amounts referred to in section 304(f)(6)(A)(ii)(II).

''(9) The amount referred to in section 304(f)(6)(B)(ii)(I)(ee).

''(10) The amount referred to in section 304(f)(6)(B)(iii)(I).

''(11) The amount referred to in section 317(b).

''(12) Each of the amounts referred to in section 318(e)(4)(C).

''(13) The amount referred to in section 325(d)(2)(B)(i)(V).

''(14) The amount referred to in section 325(d)(2)(C)(i).''.

Subtitle C—Reporting Requirements for Registered Lobbyists

SEC. 221. REQUIRING REGISTERED LOBBYISTS TO REPORT INFORMATION ON INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS.

(a) IN GENERAL.—Section 5(d)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(d)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (F);

(2) by redesignating subparagraph (G) as subparagraph (I); and

(3) by inserting after subparagraph (F) the following new subparagraphs:

''(G) the amount of any independent expenditure (as defined in section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) equal to or greater than $1,000 made by such person or organization, and for each such expenditure the name of each candidate being supported or opposed and the amount spent supporting or opposing each such candidate;

''(H) the amount of any electioneering communication (as defined in section 304(f)(3) of such Act (2 U.S.C. 434(f)(3)) equal to or greater than $1,000 made by such person or organization, and for each such communication the name of the candidate referred to in the communication; and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to reports for semiannual periods described in section 5(d)(1) of the Lobbying Disclosure Act of 1995 that begin after the date of the enactment of this Act.

TITLE III—DISCLOSURE BY COVERED ORGANIZATIONS OF INFORMATION ON CAMPAIGN-RELATED ACTIVITY

SEC. 301. REQUIRING DISCLOSURE BY COVERED ORGANIZATIONS OF INFORMATION ON CAMPAIGN-RELATED ACTIVITY.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 215, is amended by adding at the end the following new section:

''SEC. 328. DISCLOSURES BY COVERED ORGANIZATIONS TO SHAREHOLDERS, MEMBERS, AND DONORS OF INFORMATION ON DISBURSEMENTS FOR CAMPAIGN-RELATED ACTIVITY.

''(a) INCLUDING INFORMATION IN REGULAR PERIODIC REPORTS.—

''(1) IN GENERAL.—A covered organization which submits regular, periodic reports to its shareholders, members, or donors on its finances or activities shall include in each such report the information described in paragraph (2) with respect to the disbursements made by the organization for campaign-related activity during the period covered by the report.

''(2) INFORMATION DESCRIBED.—The information described in this paragraph is, for each disbursement for campaign-related activity—

''(A) the date of the independent expenditure or electioneering communication involved;

''(B) the amount of the independent expenditure or electioneering communication involved;

''(C) the name of the candidate identified in the independent expenditure or electioneering communication involved and the office sought by the candidate;

''(D) in the case of a transfer of funds to another person, the information required by subparagraphs (A) through (C), as well as the name

of the recipient of the funds and the date and amount of the funds transferred;

''(E) the source of such funds; and

''(F) such other information as the Commission determines is appropriate to further the purposes of this subsection.

''(b) HYPERLINK TO INFORMATION INCLUDED IN REPORTS FILED WITH COMMISSION.—

''(1) REQUIRING POSTING OF HYPERLINK.—If a covered organization maintains an Internet site, the organization shall post on such Internet site a hyperlink from its homepage to the location on the Internet site of the Commission which contains the following information:

''(A) The information the organization is required to report under section 304(g)(5)(A) with respect to public independent expenditures.

''(B) The information the organization is required to include in a statement of disbursements for electioneering communications under section 304(f)(6).

''(2) DEADLINE; DURATION OF POSTING.—The covered organization shall post the hyperlink described in paragraph (1) not later than 24 hours after the Commission posts the information described in such paragraph on the Internet site of the Commission, and shall ensure that the hyperlink remains on the Internet site of the covered organization until the expiration of the 1-year period which begins on the date of the election with respect to which the public independent expenditures or electioneering communications are made.

''(c) COVERED ORGANIZATION DEFINED.—In this section, the term 'covered organization' means any of the following:

''(1) Any corporation which is subject to section 316(a), other than a corporation which is an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.''.

''(2) Any labor organization (as defined in section 316).

''(3) Any organization described in paragraph (4), (5), or (6) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, other than an exempt section 501(c)(4) organization (as defined in section 301(27)).

''(4) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act.''.

TITLE IV—OTHER PROVISIONS

SEC. 401. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia, and an appeal from a decision of the District Court may be taken to the Court of Appeals for the District of Columbia Circuit.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised, any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate who satisfies the requirements for standing under Article III of the constitution shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

SEC. 402. NO EFFECT ON PROTECTIONS AGAINST THREATS, HARASSMENTS, AND REPRISALS.

Nothing in this Act or in any amendment made by this Act shall be construed to affect any provision of law or any rule or regulation which waives a requirement to disclose information relating to any person in any case in which there is a reasonable probability that the disclosure of the information would subject the person to threats, harassments, or reprisals.

SEC. 403. SEVERABILITY.

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

SEC. 404. EFFECTIVE DATE.

Except as otherwise provided, this Act and the amendments made by this Act shall take effect upon the expiration of the 30-day period which begins on the date of the enactment of this Act, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

The CHAIR. No further amendment to the bill, as amended, is in order except those printed in part B of the report. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. ACKERMAN

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111–511.

Mr. ACKERMAN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 85, line 10, strike ''such report'' and insert ''such report, in a clear and conspicuous manner,''.

The CHAIR. Pursuant to House Resolution 1468, the gentleman from New York (Mr. ACKERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ACKERMAN. Mr. Chairman, I rise in strong support of the DISCLOSE Act and offer a very simple but also very important amendment which simply adds the words ''clear and conspicuous'' as a requirement to the disclosures that covered organizations are required to submit to shareholders, members, or donors under the bill.

In the wake of the Supreme Court's ruling in Citizens United, corporations now have a First Amendment right to spend millions or even billions of dollars of shareholder money to defeat or support candidates for public political office. While this ruling is now United States law, the DISCLOSE Act takes the appropriate step of mandating that corporations tell their shareholders how they're using the money. After all, investors in a company have a right to know how their company is using their money. But the underlying bill fails to ensure that these corporate disclosures are made clearly and understandably or that they are printed in such a way that allows shareholders to see them.

Mr. Chairman, Congress has insisted on disclosure requirements for corporations before, and anyone who receives a credit card offer knows that this is what we get—tiny, unreadable text in 5-point font. Even if you could read it, which you can't without a magnifying glass, you would have to have degrees in law or advanced mathematics to be able to understand it.

The central theme of the DISCLOSE Act is empowering American investors by mandating that companies disclose their political expenditures. My amendment very simply imposes and adds the words ''clear and conspicuous'' as a requirement for all organizations covered under the bill so that American investors have a chance to actually see and understand those disclosures. As Congress takes the very reasonable approach of mandating corporate disclosures of political expenditures, we must ensure that corporations present that information clearly and understandably to all of their shareholders.

I thank the Rules Committee for making my very straightforward, commonsense amendment in order.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. ACKERMAN's amendment is an interesting amendment because, among other things, it was allowed to be considered on this floor, while any amendment offered by any Republican Member on the committee of jurisdiction was disallowed. We had, on our side, several amendments which would make it clear that the disclosure requirements in this bill are required equally of unions as of corporations.

As I listened carefully to Mr. ACKERMAN's statement concerning his amendment, I noticed he referred only to corporations and to the obligation of corporations to make reports to their shareholders. There was not a single mention of the responsibility of unions to inform their members of how they spend their money in a political way in a ''clear and conspicuous'' manner.

He said his amendment is fairly straightforward, almost as if it's unnecessary or so obvious. And yet that amendment was allowed to be in order, but one that would make it clear that

his ''clear and conspicuous'' requirement and every other requirement of disclosure contained in this law which would affect corporations of all types—and remember, I'm talking about not just for-profit corporations but corporations of any type—would equally apply to the unions was not allowed. And so the gentleman has made the case that we have been making all along: This bill does not, in fact, treat unions the same as it does other organizations, many of whom, as I say, have a corporate structure but they would not be identified by the average person as a corporation. They'd be identified as an advocacy organization.

And so, once again, we see in this amendment an attempt to unbalance the playing field by ensuring that a particular obligation that may be an appropriate obligation with respect to corporations is not placed on unions, once again. And, for that reason, I would have to oppose the gentleman's amendment. But we can't have time to discuss whether unions ought to be dealt with.

The argument that the potential corruption is there with contractors would certainly be there with representatives of union member public employees. I'm not saying they're corrupt. What I am saying is the legal analysis is the same. I don't think my friends on the other side of the aisle would suggest that every corporation is corrupt, but it is because of the possibilities of corruption that we're allowed, under the Supreme Court's interpretation of the First Amendment, to have these kinds of disclosure requirements.

All I'm saying is, once again, the gentleman's amendment proves the point we've been trying to make on the floor. This bill does not fairly treat everybody. There are those that are favored by the majority and there's the rest of the world. Those favored by the majority get special treatment. Those not favored by the majority do not get that special treatment. It will render this bill unconstitutional, as it should.

With that, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Chairman, the purpose of this bill, as I understand it, is for transparency and for people to understand what's happening out there as people spend lots of money—other people's money, very often—to advocate for or against candidates. In the case of unions, unions are very transparent in who they're supporting and who they're not supporting when they decide to take that kind of action. Union members pay voluntarily with their dues money, and the unions disclose who they are and who they're supporting.

People who invest in corporations, presumably for the purpose of investing money and furthering America's economic and their own economic interest, have a right to know how those corporations are spending their money that they thought was being invested for the purpose of capitalism and free enterprise rather than to be diverted into anybody's personal political agendas. Unions do that because their members vote; corporations do not. And I would have no idea of a corporation that I may invest in, whether they're spending my initial investment money to work against my interests or even your interests—or for them, for that matter. This is just to let people know.

The second point, the amendment that I offer covers every organization that is covered under the bill equally.

I yield back the balance of my time.

□ 1400

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ACKERMAN).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. KING OF IOWA

The Acting CHAIR (Mr. SERRANO). It is now in order to consider amendment No. 2 printed in part B of House Report 111–511.

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of title I the following new section:

SEC. 106. REMOVAL OF LIMITATIONS ON FEDERAL ELECTION CAMPAIGN CONTRIBUTIONS.

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

''(9) The limitations established under this subsection shall not apply to contributions made during calendar years beginning after 2009.''.

The Acting CHAIR. Pursuant to House Resolution 1468, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, my amendment is simple in its language and is perhaps a little more complicated when one starts to understand all the freedom that would be exercised, should my amendment become law. And it simply does this: my amendment eliminates—it strikes all limitations on Federal election campaign contributions. It takes out the $2,000 limit, the $5,000 limit, all of the limits set there because it reverts us back to the constitutional principle that contributions to campaigns are free speech, funding is free speech. And to limit our ability as individual Americans with constitutional rights, to make contributions to political campaigns is an unconstitutional limitation.

And by the way, to react to a Supreme Court decision by bringing a piece of legislation like this, which is an immediate and exactly a reaction to the Citizens United case, I think tells America where this Congress would like to go in limiting the constitutional rights of the people in this country. I am for reestablishing those rights to the maximum amount. That's what this allows, the individuals and the corporations that choose to donate.

We don't touch anything that has to do with disclosure. I am for full disclosure. I am for sunshine. And I think the American people and the voters can discern where they want to place their vote and where they want to place their political contributions if we just allow for the disclosure. But the limitations are unconstitutional limitations, and this amendment simply strikes all of those limitations that are in statute that are unconstitutional, Mr. Chairman.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. I claim the time in opposition.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. ZOE LOFGREN of California. Mr. Chairman, Representative KING's amendment would, as he has indicated, eliminate all limitations on Federal election campaign contributions, corporations and unions. Individuals could donate unlimited amounts of money to candidates, political parties, and committees. I think this is a fairly cynical amendment designed to undermine all support for additional disclosure and reasonable regulation.

Since the Federal Election Campaign Act of 1971 was first challenged, the Supreme Court has always upheld reasonable contribution limits to candidates and political parties, and they did so as a reasonable means to prevent corruption. Even the Citizens United decision itself did not question the Federal Election Campaign Act's limits on direct contributions to candidates, and they reaffirmed that the Court was concerned that large contributions could be given to secure a political quid pro quo.

I quote the Court decision where they refer favorably to the Buckley court: ''Nevertheless, sustained limits on direct contributions in order to ensure against the reality or appearance of corruption.'' That case did not extend the rationale to independent expenditures, and the Court didn't do so in Citizens United. But it did quote the Buckley court favorably on the limitation of expenditures when it came to candidates or political parties.

Money has a corrosive effect on the electoral process, and eliminating campaign limits would start a political arms war. Candidates have to raise millions of dollars to run competitive campaigns; and if Mr. KING's amendment passes, candidates are going to turn to wealthy donors, special interests, corporations to get their money, and the voices of average Americans will not be heard. If this amendment is passed, the voices of the American people will be drowned out by wealthy corporations and other interest groups. This isn't what we should do. It's not what the Court suggested we do. And I would urge that we oppose the King amendment.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I would make a point in response to the remarks of the gentlelady from California that—and of course my recollection of the Citizens United case is that they didn't challenge those constitutional limits. There may have been a comment in the decision, but I don't believe they challenged them before the Court.

And I would add to this that to put arbitrary limits on PAC contributions at $5,000, and let inflation then over time render those contributions to be of minimal value, even though they've indexed individual contributions to increase supposedly with inflation, distorts the balance that they tried to create in the very legislation itself. It shows what's wrong with contribution limits.

Additionally, we just need full disclosure. We have that disclosure. But what's happening is, people like George Soros are pouring money into their entities and their organizations. Their voice is heard. They're not limited. They're exactly advantaged by the current scenario that we have. If we eliminate the limits, what we're able to do then is hold the candidates accountable for the expenditure of those dollars and directly analyze the positions of the candidates and their contributors. This way it's distorted.

The real sunlight is to require the candidates to report when they do that reporting. Then we'll be able to evaluate their positions rather than having that money laundered through, or I'll say diffused through, a whole series of entities that are structured out there, like 527s, for example, that have added to the acrimony of our campaigns, and they've diminished the honesty that we have in our elections.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I would like to note, going back again to the Court decision, that although the Citizens United case did not attack—it was not about the constraint on individual contributions to candidates—the Court did, as I mentioned to you earlier and quoted, reference favorably the Buckley court, sustaining the constitutionality of those constraints.

It's worth noting that the Federal Election Campaign Act of 1971 has been the law for nearly 40 years. It's 39 years. It's helped clean up the role of money in politics. It's been improved over the years. I mentioned earlier under general debate the case of how much is spent in any given year; and I used the example 2008, the last big election, where 435 Members of Congress spent about $840 million. That's the equivalent of 1 percent of the profits of Exxon-Mobil for 1 year.

What Mr. KING's amendment would allow would be for an oil corporation Member of Congress to go to the oil corporation and say, Write me a check that's half a percent of your profit; and that would be legal. That's not what we want in America. We don't want corporations pouring money into individual campaigns, disclosed or not. That's going to drown out the voices of regular Americans. It's not what the law permits today. The Court decision does not ask us to change the law, and I would urge that we defeat Mr. KING's amendment.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Of course I disagree with the gentlelady from California. We need to allow these contributions to go into the campaign accounts rather than be laundered through a whole series of entities that are set up to diffuse and confuse the actual source of the voice. And the distortion that comes with this—it may be that this has been law for 41 years. But Citizens United, the ink is barely dry, and the Democrats are here on the floor seeking to gain a legislative advantage when the Supreme Court has said, Give the people an opportunity to have their voice heard in the elections.

□ 1410

Even so far as in the underlying bill, this bill requires CEOs of organizations to appear in the ads and state their name and organization two different times. CEOs. The President of the United States himself said: I don't want to talk to the CEOs; they'll just tell me what they want me to hear.

So now we are legislating, telling the CEOs what they have to say twice in an ad. I don't know how we can afford to buy commercials and ads to run in a political campaign if our CEOs have to spend all of their time in them. And especially when the President says he doesn't want to listen to the CEOs. I think it is an ironic situation that we have.

I want to eliminate the limits. That is what my amendment does. It strikes all of the limits that are there in the current statute, 441(a) limitations on contributions and expenditures, a dollar limitation of the contributions, strikes them all, and it leaves all of the reporting intact so that the people in the country can make that determination that it is not constricted by amounts that are unnecessarily plugged into this legislation, and it lets people in America have a full-throated vote of liberty when they go to the polls to decide who they want to direct the destiny of the United States of America here in the United States Congress.

I yield to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I would just point out that 441(b) is the section that prohibits corporate contributions. So the gentleman's amendment does not do what the gentlelady from California said, which would allow corporations to give contributions.

Ms. ZOE LOFGREN of California. Mr. Chairman, I urge opposition to the amendment. From the gentleman's comments, he favors disclosure. I hope, therefore, he votes for the DISCLOSE Act. But we didn't need to open the door to unlimited funds by corporations to candidates. We know it will be sleazy. In order to get disclosure, vote ''no'' on the King amendment and ''yes'' on the DISCLOSE Act.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

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

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. KUCINICH

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 111–511.

Mr. KUCINICH. Mr. Chairman, I rise to offer an amendment to the DISCLOSE Act.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 15, insert after line 15 the following:

(c) APPLICATION TO PERSONS HOLDING LEASES FOR DRILLING IN OUTER CONTINENTAL SHELF.—Section 317(a) of such Act (2 U.S.C. 441c(a)) is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) who enters into negotiations for a lease for exploration for, and development and production of, oil and gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), during the period—

''(A) beginning on the later of the commencement of the negotiations or the date of the enactment of the Democracy is Strengthened by Casting Light on Spending in Elections Act; and

''(B) ending with the later of the termination of such negotiations or the termination of such lease;

directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use, to make any independent expenditure, or to disburse any funds for an electioneering communication; or''.

Page 15, line 16, strike ''(c)'' and insert ''(d)''.

The Acting CHAIR. Pursuant to House Resolution 1468, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, the underlying bill would extend an existing ban on campaign contributions by

government contractors to also include independent expenditures and electioneering communications by contractors.

My amendment would clarify that this provision applies to companies with leases with the Federal Government allowing them to drill for oil and gas in the Outer Continental Shelf. If we ever needed a stark reminder of one of the many problems that arise from our addiction to oil, we have it now, as many as a half-million gallons of oil is erupting from an underwater volcano of oil into one of the most fragile ecosystems on Earth every single day from the Deepwater Horizon drilling site alone.

This disaster was preventable. We had a warning of the consequences of our dependence on oil in the 1970s; we ignored it. We could have built upon the increased awareness to continue on a path of weaning ourselves off oil, but we squandered it. There can be no doubt that the oil industry has strategically and brilliantly used its powerful influence to maintain or even worsen the addiction.

They are not entirely to blame, though. Blame does rest with Congress for being addicted to oil company contributions. We have to begin to break the addiction and do it now. According to opensecrets.org, the oil and gas industry has given close to a quarter-of-a-billion dollars to candidates and parties since the 1990 election cycle. In the 2008 cycle alone, the oil and gas industry donated $36 million. In the 2010 cycle, they are on track to exceed that with $13 million donated so far. The mere perception of undue influence by the companies whose products are so profoundly destructive to our water, air, and health is toxic to our democracy.

Mr. Chairman, I am urging a ''yes'' vote for the Kucinich amendment that relates to the Outer Continental Shelf leaseholder status.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Well, here we go again, Mr. Chairman. Let's make sure this bill is unconstitutional. Why not just tear up the First Amendment right here in front of everybody so they know what we are doing?

The court has said you cannot establish disfavored groups over favored group. The gentleman has just expressed, perhaps an appropriately conditioned animus, toward those who are engaged in offshore drilling. So we are going to say they, those corporations, because they engage in offshore drilling, with leases, cannot participate in the political process in the way anybody else can. Now, he doesn't do it with leases for those who are on shore. He doesn't do it for those who have mineral leases on U.S. land.

So what is the justification? The justification can't be what the gentleman just said in terms of the fragile ecological infrastructure. That is not the legal basis for which you can make a distinction. It is, why is the group that you are saying is singled out for this special treatment uniquely involved in corruption or the appearance of corruption, as opposed to all other groups similarly situated?

And the gentleman, instead of arguing that point, talks about this terrible tragedy in the gulf, about which we all agree, but then says that is the basis for creating this distinction under the narrow allowance the Supreme Court has articulated over really two centuries of jurisprudence.

And so what we are doing here is, we are finding what disfavored group do we have today, and let us treat them differently than everybody else; not in terms of whether they can negotiate for contract, but whether they can be involved in political speech as identified by the Supreme Court in their decision interpreting the First Amendment.

Now, I realize that many on that side of the aisle love to refer to, I guess, a movie called ''The Inconvenient Truth,'' but the true inconvenient truth in this body today is the First Amendment. The Constitution is inconvenient. There are things that you wish you could do but you are not allowed to do. And the fact of the matter is once again I find it incredible that my friend from Ohio would be fearful of robust debate and rather would say, well, this is an area in which we can refuse to allow debate. I mean, that is basically what the court has said to us. They said the cure for bad speech, intemperate speech, dishonest speech, speech we don't like, is not to somehow suppress that speech, but to allow more speech. To allow greater robust debate. And that's the tragedy here; we are confined by a rule that allows very few amendments, confined by a rule that limits debate about that great Constitution which enhances the idea of robust debate.

□ 1420

So, once again, we are seeking to have an amendment adopted here which will move in the direction of less debate rather than more debate, create favored groups versus disfavored groups, give an advantage to some over the others rather than say let's have an equal playing field and make sure that everybody has the opportunity to be heard.

I reserve the balance of my time.

Mr. KUCINICH. I ask the Chair how much time is remaining.

The Acting CHAIR. The gentleman from California has 1 minute remaining. The gentleman from Ohio has 3 minutes remaining.

Mr. KUCINICH. I yield myself 1 minute.

I would let my friend from California know that there is no First Amendment right to drill for oil and gas in the Outer Continental Shelf. There is no constitutional right that anyone has to a government contract. This provision relates to the Outer Continental Shelf leases, and not all oil and gas leases, because these leases in the Outer Continental Shelf are inherently more dangerous, more risky. It's especially true as we have seen with deepwater drilling. It's true of all drilling in the Outer Continental Shelf. These spills are impossible to clean up.

We are still living with the effects of the Valdez catastrophe. We will be living with the effects of the Deepwater Horizon catastrophe for generations. We are not just talking about mopping up the shores and spreading toxic dispersants and then everyone goes home happy. This oil is going to be in the water column, on the sea floor for a very long time, ramifications for our delicate ecosystem, forcing a lot of persistent toxic compounds like metals into our food supply. These oil companies could conceivably intervene in our political process, using money that they are getting from leases with the Federal Government to place our environment at further risk.

Mr. DANIEL E. LUNGREN of California. I yield myself the balance of my time.

Mr. Chairman, once again, the gentleman's response is off the target. If you want to ban offshore oil drilling, ban offshore oil drilling, but you are trying to ban speech. The idea is to cap the well, not cap speech. The idea here is to honor the First Amendment, not tear it up. The idea is not to use to your advantage a tragedy of enormous proportions to somehow render asunder the First Amendment.

We are talking about debate. We are talking about speech. We are not talking about whether they can drill or not. The gentleman from Ohio has been one of those who has expressed himself with controversial at times and disfavored positions, and yet he honors this House by being here and arguing his position. I am surprised that someone who has been so proud of his ability to speak out on controversial issues would want to deny others the opportunity.

This has nothing to do with drilling in the gulf. It has everything to do with selecting disfavored groups, which is something the Constitution does not allow us to do. Let's not tear up the Constitution as the environment is torn up by an offshore drilling mess.

Mr. KUCINICH. I yield myself the balance of my time.

To my good friend from California, the Buckley v. Valeo decision equated money with free speech. The oil and gas industry, over a period of 20 years, has contributed close to a quarter of a billion dollars to the political process. There is no question of the influence they have had. There is no question of the incestuous relationship between the oil industry and the regulators which led us to this deepwater drilling catastrophe.

What this legislation aims at doing is curbing the influence of these oil companies on our political process so they can't get a lease, use the revenue from that lease, put it back in the political process, and ka-ching, ka-ching, ka-ching. We can't let the oil companies do that anymore. We have to protect our government here; we have to protect the Constitution of the United States, and we can't give them the ability to usurp the Constitution, trying to do it in the name of free speech.

I would like to conclude by saying this: The language that is in this amendment is the same language as that for TARP recipients, so there is nothing special about the language. It's the same one for TARP recipients, saying that someone that gets Federal money, they shouldn't be able to use their position to go back to the government and get people elected who are going to give them more money.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. KUCINICH. I yield to my good friend.

Mr. DANIEL E. LUNGREN of California. The difference between TARP and this is that recipients of TARP get money. In this case, these people get leases, which allow them to pay money to the Federal Government. It's just the opposite.

Mr. KUCINICH. I thank the gentleman.

Reclaiming my time, the oil companies, let us stipulate, are not eleemosynary or charitable organizations. They make huge profits at the expense of the taxpayers. And they are making even more profit because the fact of the matter is we now have to monetize the cost of all the pollution that's coming out of the gulf. No matter what BP pays, we will be paying for generations to come.

Support the Kucinich amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PASCRELL

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 111–511.

Mr. PASCRELL. I present an amendment to this legislation.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 319(b)(3) of the Federal Election Campaign Act of 1971, as proposed to be added by section 102(a) of the bill, strike subparagraph (A) and insert the following:

''(A) in which a foreign national described in paragraph (1) or (2) directly or indirectly owns or controls—

''(i) 5 percent or more of the voting shares, if the foreign national is a foreign country, a foreign government official, or a corporation principally owned or controlled by a foreign country or foreign government official; or

''(ii) 20 percent or more of the voting shares, if the foreign national is not described in clause (i);

''(B) in which two or more foreign nationals described in paragraph (1) or (2), each of whom owns or controls at least 5 percent of the voting shares, directly or indirectly own or control 50 percent or more of the voting shares;''.

The Acting CHAIR. Pursuant to House Resolution 1468, the gentleman from New Jersey (Mr. PASCRELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PASCRELL. I yield myself 2 minutes.

The DISCLOSE Act is an important piece of legislation. I want to commend Mr. VAN HOLLEN, Chairman BRADY, and their staff. I also want to thank Mr. PERRIELLO and Mr. GRAYSON for working with me on this important amendment.

One of the most troubling aspects of the Citizens United decision was the opening of a loophole that could allow multinational corporations with significant foreign ownership to spend prolifically in American elections. Who in God's name would want to have foreign governments involved investing in our elections? The DISCLOSE Act, as written, attempts to limit the ability of foreign nationals to launder their cash through these domestic corporations by imposing limitations on foreign ownership, foreign membership on corporate boards, and executive power.

This amendment would strengthen this provision in two important ways. My amendment lowers the allowable foreign ownership percentage from 20 percent to 5 percent when the foreign owner is a foreign government, foreign government official, or foreign government-controlled company like a sovereign wealth fund. I believe it is important to draw this distinction between the average foreign citizen and foreign governments who could seek to exploit this loophole to influence our elections based on the policies of their governments and not the citizens of our country.

The second provision of my amendment would close a potential loophole that could allow a majority foreign-owned corporation to continue to make political expenditures so long as no single shareholder owns more than 20 percent of the company. My amendment would prohibit expenditures by corporations who have a majority of their shares owned by foreign nationals even if no single shareholder meets the 20 percent threshold.

I believe this is an important amendment. These commonsense provisions will ensure strong protections for our elections from unprecedented foreign influence and spending.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. I believe the gentleman said at the very end of his comments that his amendment was necessary if the shares owned by foreign nationals added up to over 20 percent. I believe that is a reasonable interpretation of the bill as it stands and not that it would have to be an individual organization that had 20 percent.

Mr. Chairman, once again, you can see the selective nature of the amendments that are allowed. We offered to present a number of amendments which would even the playing field between unions and corporations, and it was rejected outright both in the committee and before the Rules Committee.

□ 1430

They said it would be too hard for unions to be able to determine who their membership is, that is, the nationality of their members, so they wouldn't be able to determine whether over 20 percent of the union were individuals who were not American citizens, that is, foreign nationals. And it's just again, Mr. Chairman, a continued example of how this bill is not even-handed.

There are at least five provisions under this bill which treat unions differently than corporations and, again I say, not just for-profit corporations. We're talking about corporations. Many advocacy groups have a corporate structure, and so they are treated differently than unions. This has been recognized by any number of individuals. I've already read into the RECORD the serious disability with this bill, and this amendment continues that disability as expressed by the American Civil Liberties Union.

Another letter dated May 19, 2010, signed by eight former members of the FEC going back to the beginning of that commission's existence, talks about how the act abandons the historical matching treatment of unions and corporations, and they say that this will in itself cause a substantial portion of the public to doubt the law's fairness and impartiality.

So once again, Mr. Chairman, we have an example of where we have disparate treatment depending on whether you happen to be members of a favored class or otherwise.

I offered amendments in the full committee to try and really define very well what we meant by foreign interests. In fact, we actually replicated current law, making it sure, making it absolutely sure that if you were a corporate structure that was dominated by foreign interests, you could not participate in this way to make decisions. If you were a U.S. wholly-owned subsidiary of a foreign corporation, only moneys that were made in the United States and decisions made by American nationals would allow for any kind of participation in the political process as viewed and anticipated by this law and by the decision by the Supreme Court.

So once again, Mr. Chairman, I just say and somewhat—I don't know—I lament, I guess, the fact that we while we're talking about free speech and

we're talking about influence, undue or otherwise, we have another example on this floor of a denial of Members' consideration of amendments that would make this a fair, balanced, evenhanded bill.

I would hope that when we're dealing with the First Amendment at least there the majority would grant us the ability of fair treatment; at least there the majority might say we have enough time in this body to discuss things because, you know, the Constitution's pretty important and so is the First Amendment. But I've heard criticism after criticism on this floor of the U.S. Supreme Court decision which doesn't match what was in the Court decision, and all I can say is either Members on the other side haven't read the decision or they seek not to repeat what's actually in the decision because I've heard on this floor talk about how that decision allowed foreign countries and foreign-dominated companies to now be directly involved in political processes. That's just not true. They didn't change the other underlying law.

So Mr. PASCRELL's amendment continues in that same direction.

The Acting CHAIR. The time of the gentleman has expired.

Mr. PASCRELL. Mr. Speaker, I yield 10 seconds to the majority leader, Mr. HOYER.

Mr. HOYER. I thank my friend for yielding, and I rise in strong support of this piece of legislation.

For more than a century, Mr. Chairman, America has limited the role of private money in public elections. We've done so because we believe that huge sums of money from unknown sources, from unknown sources—I reference that and emphasize it because I'm going to refer to it in some comments of our Republican leadership in years past regarding money from unknown sources—dominates elections; and especially when it does so in the dark, the interests of ordinary citizens are too often the victim.

America's work toward open and fair elections has been, as it has been in every country, imperfect but better here than almost anyplace in the world; but it took a severe blow this winter when the Supreme Court voted in the Citizens United case to overturn longstanding precedent, allowing corporations and unions to spend unlimited amounts of their treasury funds—not of private unions that their employees contributed, which I support, but their corporate funds and their union treasury funds—in unrestrained fashion to influence elections directly.

The gentleman who is my friend, former Attorney General of the State of California and a good friend of mine—we've served together for a long time—says correctly that we do not want to limit free speech. I agree with that. The First Amendment is one of the sacred amendments that our Founding Fathers adopted to make our country not only unique but one of the freest countries the world has ever seen.

But without transparency, without knowing the source of the speech that you hear, without having the ability to analyze who is telling me that this is good or this is bad, what is the source of the interest that is saying that this legislation is bad or this legislation is good—obviously all of us have said from time to time, Consider the source. We all say that. When somebody who we know doesn't like A or doesn't like B says something bad about A or B, we say, Consider the source. But if we don't know the source, we can't consider the source, and if we can't consider the source, we do not know the validity of the information that is transmitted to us.

That is the key to this legislation. That is the essence of what we're saying, not that a corporation or a union can't try to influence the American public to support a candidate or a proposition that it believes to be in its best interest. That's the American way. What we are saying, however, is that given the Supreme Court's decision, that we ought to make sure that citizens know who's talking to them; otherwise they will not have the ability to make a judgment on the credibility of the information they are receiving.

Now, as I said a little earlier, that is a goal that many of my colleagues, including my Republican colleagues, have supported in the past. My friend Eric Cantor, who is the minority whip, said this: ''Anything that moves us back towards that notion of transparency and real-time reporting of donations and contributions I think would be a helpful move towards restoring confidence of voters.'' This tries to do exactly that, restore the confidence of voters that they will know who's spending much money to influence their votes, their opinion, their actions.

Former Speaker Gingrich said this, that in an ideal system ''the country knows where the money is coming from. That would be transparent, simple, and fair.''

□ 1440

While he was not speaking on behalf of this bill, that applies to this bill.

Minority Leader BOEHNER said this, ''I think what we ought to do is we ought to have full disclosure, full disclosure of all the money that we raise and how it's spent.'' That's what we're saying in this bill.

When you receive a 1-minute or a 30-second ad on TV, who's talking to me? How are they spending their money? If they spend it through a third party, they do so in many ways to hide the source. Whether it's a special interest on the right or the left or in the middle, a business interest, a labor interest, whatever interest it is, as a voter, I need to know who's talking to me so I can judge the credibility of the information that I am receiving.

I agree with the thoughts that have just been quoted by my three Republican colleagues, and I think they support the passage of this bill. Therefore, Mr. Chairman, I want to thank Chairman BRADY for the outstanding leadership he has shown in bringing this bill to the floor. I want to thank my other friends who have worked so hard on this.

And I would be remiss if I did not mention specifically my friend and colleague from the State of Maryland, CHRIS VAN HOLLEN, who has been tireless in his work on behalf of the DISCLOSE Act. Surely you can do it, surely you can have free speech, you can say anything you want, but tell me who you are. Do not hide under a cloak. Lift that cloak up and find out who's talking. If we do that, America's elections will be better. The people will be better informed and more confident that they can rely on the information they seek.

Consider the source, vote for this bill.

PARLIAMENTARY INQUIRIES

Mr. DANIEL E. LUNGREN of California. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman from California will state his parliamentary inquiry.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, in the years I've been here in the House, I know there is allowed under the rules a tradition that the leaders of either the majority or minority or the Speaker is granted 1 minute speaking time by their side, taken out of their time, and yet, shall we say, a judicious minute is allowed.

It was my understanding that under the rules and, as interpreted, the tradition that has developed, that it was predicated on a dedication of 1 minute out of the time of the side. And yet, as I understand it, the request has been made for just 10 seconds. My parliamentary inquiry is, is that allowed under the rules? And if it is, when did the rules change?

The Acting CHAIR. The Chair will advise that it is a matter of custom, not rules.

Mr. DANIEL E. LUNGREN of California. Well, then I would ask, if it's a matter of custom, when did the custom change from 1 minute to 10 seconds?

The Acting CHAIR. The Chair is honoring the custom of the various leaders speaking longer than the time allocated, and that is what happened today.

Mr. DANIEL E. LUNGREN of California. I understand that. My question is the time that's taken out of the side. I granted 1 minute to the Republican leader earlier in the debate because I was told that that is both under the rules allowed and that is the tradition.

I know I've only been a Member of this House now for 16 years, but I have never seen this in my time, and I am just wondering whether this is the new rule or the new tradition.

And further parliamentary inquiry, whether I would have been recognized to grant 10 seconds to the distinguished

leader of the Republican side and therefore had only 10 seconds taken out of my time.

The Acting CHAIR. The Chair will advise the gentleman that the nominal time granted is unrelated to the time that the leaders might speak, and here the leader spoke for the longer time that he wished to speak.

Mr. DANIEL E. LUNGREN of California. I appreciate that. I think the Chair misunderstands my inquiry. My inquiry isn't about the amount of time graciously granted to either leader or the Speaker, but rather the time subtracted from that that appears in the rule given to the side granting the time to the leader.

The Acting CHAIR. The nominal amount that a Member chooses to yield to the leader to speak for the time that he or she wishes is not a matter of regulation.

Mr. DANIEL E. LUNGREN of California. Is that amount of time deducted from the side which grants the speaker the time?

The Acting CHAIR. Yes, the nominal amount of time is deducted.

Mr. DANIEL E. LUNGREN of California. So if I would say 5 seconds, it would be 5 seconds rather than if I had said 1 minute; is that correct?

The Acting CHAIR. The gentleman is correct. That is a matter of technique or choice.

Mr. DANIEL E. LUNGREN of California. I see. I shall be much more judicious in my grant of time in the future now that I have had this information conveyed. Thank you.

Mr. PASCRELL. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Mr. Chairman, where I come from, people stand by their word. If they have something to say, they stand up and say it and they're not afraid to say this is who I am. We do it in our own campaign ads.

The Bible says, ''You shall not hide your light under a bushel.'' Why should the same not apply? If one is going to choose to be part of our sacred democratic process, why on Earth would it not be part of that to say this is who I am? The DISCLOSE Act simply does that. It says I'm willing to stand up and speak and I'm willing to tell you who I am. Back on Main Street, back in rural communities, that's just a basic sense of decency and accountability, and it's a Main Street value that does well in Washington as well.

It's also important that we make sure that ''We the People'' is not ''We the foreign corporations.'' This is an important amendment to make sure that foreign corporations are not allowed to come in and unduly affect our elections. China already owns too much of our debt. Don't let them buy our democracy as well. It's important that no country and no company be able to come in and own this democracy.

The Acting CHAIR. The gentleman from New Jersey has 1 minute and 50 seconds remaining.

Mr. PASCRELL. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOCCIERI).

Mr. BOCCIERI. Mr. Chairman, the people of our country have spoken time and time again: They want less money in politics, not more. And what I hear from our colleagues on the other side is that we should roll back 100 years of legislative action by this body.

The regressive decision by the Supreme Court has turned the keys of electoral government over to big corporations in the United States. Make no mistake, it's as if the Supreme Court rolled up to the drive-thru window and just super-sized the campaign contributions of corporate America.

In the Constitution it says ''We the people.'' ''We the People,'' not ''We the corporations.'' ''We the people of the United States of America.'' Corporations don't vote in our electoral process, people do. This is about the people of our country and not having their voices drowned out in the electoral process.

We need to make sure that the DISCLOSE Act gives further teeth so that foreign governments don't influence our domestic elections. We're not going to outsource and offshore our elections. Let's stand up for the American people and the balance of power in our country.

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

First of all, Mr. Chairman, the courts will apply section 102 of the DISCLOSE Act to labor unions as well as corporations. Unions will be required to certify that they are in compliance with the safeguards against foreign ownership and control.

It is our duty, Mr. Chairman, to pass the strongest possible restrictions to keep foreign money out of our elections, and keep American elections decided by the American people.

The DISCLOSE Act is a good first step towards empowering the American citizens in our elections. I urge the House to approve this amendment and to strengthen this important piece of legislation. And I want to commend Mr. VAN HOLLEN and Mr. BRADY.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. PASCRELL).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 111–511.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 318(e) of the Federal Election Campaign Act of 1971, as proposed to be added by section 214(b)(2) of the bill, strike paragraphs (2) and (3) and insert the following:

''(2) INDIVIDUAL DISCLOSURE STATEMENT DESCRIBED.—The individual disclosure statement described in this paragraph is the following: 'I am _____, of _____, _____, and I approve this message.', with—

''(A) the first blank filled in with the name of the applicable individual;

''(B) the second blank filled in with the local jurisdiction in which the applicable individual resides; and

''(C) the third blank filled in with the State in which the applicable individual resides.

''(3) ORGANIZATIONAL DISCLOSURE STATEMENT DESCRIBED.—The organizational disclosure statement described in this paragraph is the following: 'I am _____, the _____ of _____, located in _____, _____, and _____ approves this message.', with—

''(A) the first blank to be filled in with the name of the applicable individual;

''(B) the second blank to be filled in with the title of the applicable individual;

''(C) the third blank to be filled in with the name of the organization or other person paying for the communication;

''(D) the fourth blank to be filled in with the local jurisdiction in which such organization's or person's principal office is located;

''(E) the fifth blank to be filled in with the State in which such organization's or person's principal office is located; and

''(F) the sixth blank to be filled in with the name of such organization or person.''.

In section 318(e)(4) of the Federal Election Campaign Act of 1971, as proposed to be added by section 214(b)(2) of the bill, strike subparagraphs (A) and (B) and insert the following:

''(A) STATEMENT IF SIGNIFICANT FUNDER IS AN INDIVIDUAL.—If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is an individual, the significant funder disclosure statement described in this paragraph is the following: 'I am _____, of _____, _____. I helped to pay for this message, and I approve it.', with—

''(i) the first blank filled in with the name of the applicable individual;

''(ii) the second blank filled in with the local jurisdiction in which the applicable individual resides; and

''(iii) the third blank filled in with the State in which the applicable individual resides.

''(B) STATEMENT IF SIGNIFICANT FUNDER IS NOT AN INDIVIDUAL.—If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is not an individual, the significant funder disclosure statement described in this paragraph is the following: 'I am _____, the _____ of _____, located in _____, _____. _____ helped to pay for this message, and _____ approves it.', with—

''(i) the first blank to be filled in with the name of the applicable individual;

''(ii) the second blank to be filled in with the title of the applicable individual;

''(iii) the third blank to be filled in with the name of the significant funder of the communication;

''(iv) the fourth blank to be filled in with the local jurisdiction in which the significant funder's principal office is located;

''(v) the fifth blank to be filled in with the State in which the significant funder's principal office is located; and

''(vi) the sixth and seventh blank each to be filled in with the name of the significant funder of the communication.''.

In section 318(e)(5) of the Federal Election Campaign Act of 1971, as proposed to be added by section 214(b)(2) of the bill—

(1) in subparagraph (A), strike ''provided;'' and insert ''provided and the local jurisdiction and State in which each such person lives (in the case of a person who is an individual) or is located (in the case of any other person);''; and

(2) in subparagraph (B), striking ''provided.'' and insert ''provided and the local jurisdiction and State in which each such person lives (in the case of a person who is an individual) or is located (in the case of any other person).''.

The Acting CHAIR. Pursuant to House Resolution 1468, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

□ 1450

Mr. PATRICK J. MURPHY of Pennsylvania. I yield myself such time as I may consume.

Mr. Chairman, I am happy that we are addressing campaign finance reform in this session of Congress by taking up the DISCLOSE Act today. This bill goes a long way toward increasing transparency in campaign spending by forcing individuals and organizations to stand by their television and radio ads that they fund.

I would like to thank my colleagues Mr. VAN HOLLEN, Mr. CASTLE, Mr. JONES, and especially Chairman BOB BRADY for their hard work on this important and critical piece of legislation.

By making funders identify themselves in ads, the DISCLOSE Act takes a significant step in giving people the information they need to understand who is funding the ad. Mr. Chairman, shouldn't people know where these ads and the money to fund them are coming from?

Let me give you an example:

If Halliburton pays for an ad endorsing a politician, shouldn't the voters know that not only is the company paying for the ad but also that it is based in Houston, Texas? People have a right to know if people or companies outside their States are trying to influence their elections.

My amendment, Mr. Chairman, is a commonsense addition that both Republicans and Democrats should support. Whether they are living in Bristol, Pennsylvania, or in Bristol, Tennessee, people should know who is trying to impact their votes.

This amendment is very simple. It enhances the ad disclaimers by including the location of the funder. Specifically, this amendment requires that the city and the State of the funder's residence or principal place of business be included in the disclaimers. It also requires this location information be added to the Top Funders list that will appear on screen, at the end of the ad, under the bill. These simple additions will give people valuable information about the people and organizations funding the ads they are seeing and hearing.

By knowing where the money is coming from, people will have a better understanding of who the funder is and the motivations behind an ad. This is not a Democratic or a Republican idea. All citizens deserve to know if a special interest completely unrelated to their districts and to the issues that affect their daily lives is trying to influence their elections.

I urge my colleagues to support my amendment.

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

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, this would sound like a commonsensical amendment until you actually realize its impact.

By the additional disclaimers required on broadcast ads, we have already determined that, in some cases, very easily, one would have to use 15 to 17 seconds of a 15- or a 30-second ad to make the disclaimer. If you add additional requirements, as the gentleman suggests, you could have as much as 20 seconds, which will mean that you won't be able to do 15-second ads. Now, that may be a good idea, frankly, but I'm not sure we should reach that so indirectly.

Secondly, I ask this. In the State of California, we just had a controversial proposition called Proposition 8. Following the successful passage of Proposition 8, people who were known as funders of the program were intimidated. Actions were taken against them by others who disagreed with the fact that they had been involved in the audacity of presenting a political position. So now you're going to make sure that the hometown, city, and State of the ad funder's residence is known.

Would that be less likely or more likely to lead to intimidation or to retaliation by individuals who disagree? I suspect it would be more likely.

If the idea is you've got to show that you're in the district or out of the district, what does that do to major metropolitan areas?

I'm from Los Angeles. Well, there are about 26 Members of Congress, I think, or something like that, representing LA County. What does that tell you about whether you're in the district or not in the district? It doesn't tell you anything except that you do live in that city, and I suppose someone then could look up the name of the individual and the home address of the individual, perhaps, to protest at that individual's residence.

I mean we're getting a little silly here. We're now talking about disclaimers that are going to take the entire time of a commercial. I don't like these commercials any better than anybody else does. You know, I've had commercials that have been running against me for the last 2 years by the DCCC—radio commercials that are suggesting I've done this, that and the other thing. You know, do I like that? No, but what the heck. That's part of the game.

I have seen people harassed after campaigns. I have seen people, who are at their homes, who have had protesters show up at their houses. Now, maybe you think that's part of the robust debate that we want around here. But what are you really doing by making known the residence and hometown of the individual there? Frankly, I think it is going to lead to the greater possibility of intimidation.

Maybe this is what this is supposed to be. We want to chill speech. We've already done that directly. Now, maybe, we'll do it indirectly. I mean it sounds good. I don't have any trouble with the principal office of a corporation, but the home, the residence, of an individual involved? What are we doing here? You're going to have to subject yourself to the possibility of criminal penalties if you dare allow your corporation to use funds, because we have made sure that the FEC will not have the time to put out regulations during this election period, or we will chill speech by passing this bill, by making it a law and by making people afraid to exercise their First Amendment right.

Man, that's the kind of stuff that our Founding Fathers were against. The Federalist Papers. I guess they actually used assumed names for the Federalist Papers. I don't think they identified what their home residences were. King George should have thought of some of this stuff.

I reserve the balance of my time.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. How much time does each side have, Mr. Chair?

The Acting CHAIR. The gentleman from Pennsylvania has 2½ minutes remaining. The gentleman from California has 30 seconds remaining.

Mr. DANIEL E. LUNGREN of California. I would just say, Mr. Chairman, once again, that we are moving down the wrong track here. We are chilling speech already. Now we are creating the possibility of direct intimidation by those by requiring the residence and hometown of the people who might appear there.

Though, if we're going to go part of the way, let's go all the way. We really want to make sure no one is going to be able to use their First Amendment right. This will help seal the deal. So, if that's what you want, vote for this amendment. Otherwise, please support the Constitution and the First Amendment, and defeat this amendment.

The Acting CHAIR. The time of the gentleman has expired.

Mr. PATRICK J. MURPHY of Pennsylvania. I yield myself the balance of my time.

Mr. Chairman, first, your location in your campaign ad takes less than 2 seconds. In that time, voters get valuable information about any special interests which are trying to influence their votes. Second, if the ad is short and if timing is an issue, funders may be able to get a hardship exemption which makes sure that there is always time for the substantive message in their ads.

Mr. Chairman, quite simply, a vote to oppose the Murphy amendment will be a vote to keep your constituents in the dark about the sources of their campaign spending. Campaign ads can now be funded from unlimited corporate sources. At the very least, we must give people the facts that they need about these ads and about the special interests that are sometimes behind them.

□ 1500

This amendment is a critical edition to the DISCLOSE Act because it does exactly that—it provides people with a key piece of information about the source of the ad. Knowing whether the ads are promoting an interest in the voter's own district or State will allow voters to better evaluate those ads and make informed decisions when they go to the polling place. The more information that's available, the more transparent and fair all elections will be, and I urge my colleagues to support this commonsense amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

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

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 111–511 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. KING of Iowa;

Amendment No. 5 by Mr. PATRICK J. MURPHY of Pennsylvania.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 57, noes 369, not voting 12, as follows:

[Roll No. 388]

AYES—57

Bartlett
Bishop (UT)
Blackburn
Brady (TX)
Broun (GA)
Burton (IN)
Campbell
Cantor
Carter
Chaffetz
Conaway
Culberson
Dreier
Ehlers
Flake
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hunter
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Lummis
Lungren, Daniel E.
Mack
McCaul
McClintock
McHenry
Miller, Gary
Neugebauer
Nunes
Olson
Paul
Poe (TX)
Price (GA)
Rehberg
Rohrabacher
Royce
Sessions
Shadegg
Shimkus
Smith (NE)
Thompson (PA)
Thornberry
Tiahrt
Westmoreland
Young (AK)

NOES—369

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—12

Barrett (SC)
Blunt
Brown (SC)
Faleomavaega
Gohmert
Hoekstra
Moore (WI)
Norton
Pence
Rothman (NJ)
Visclosky
Wamp

□ 1530

Messrs. BERRY, BISHOP of New York, ROE of Tennessee, SIRES, GUTIERREZ, Ms. CASTOR of Florida, Messrs. THOMPSON of California, BURGESS, Ms. FALLIN, Messrs. DAVIS of Illinois, CARSON of Indiana, GRAYSON, PERRIELLO, ELLSWORTH, Mrs. LOWEY, Messrs. DAVIS of Tennessee, SULLIVAN, FRANK of Massachusetts, and CRENSHAW changed their vote from ''aye'' to ''no.''

Messrs. CARTER and OLSON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr.

PATRICK J. MURPHY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 274, noes 152, not voting 12, as follows:

[Roll No. 389]

AYES—274

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bonner
Bordallo
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rooney
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOES—152

Aderholt
Akin
Alexander
Austria
Bachmann
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bono Mack
Boozman
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Critz
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Holden
Hunter
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Petri
Pitts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Upton
Walden
Westmoreland
Wilson (SC)
Wittman
Wolf
Wu

NOT VOTING—12

Barrett (SC)
Blunt
Boehner
Brown (SC)
Faleomavaega
Gordon (TN)
Hoekstra
Norton
Pence
Rothman (NJ)
Visclosky
Wamp

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. There are 2 minutes remaining in this vote.

□ 1540

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. NORTON. Mr. Chair, on June 24, 2010, I was not able to be present for votes on amendments to H.R. 5175, the Democracy is Strengthened by Casting Light on Spending in Elections Act. Had I been present, I would have voted "no" on rollcall 388 and "aye" on rollcall 389

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR of Arizona) having assumed the chair, Mr. SERRANO, Acting Chair 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. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes, and pursuant to House Resolution 1468, reported the bill, as amended pursuant to that resolution, back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 1468, the question on adoption of the further amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. DANIEL E. LUNGREN of California. I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DANIEL E. LUNGREN of California. I certainly am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Daniel E. Lungren of California moves to recommit the bill H.R. 5175 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendment:

Strike section 401 and insert the following:

SEC. 401. TREATMENT OF CERTAIN LOBBYISTS AS FOREIGN NATIONALS.

Section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)), as amended by section 102(a), is further amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(4) any person who is a registered lobbyist under the Lobbying Disclosure Act of 1995 whose clients under such Act include—

''(A) a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the

Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism; or

''(B) any other foreign national described in this subsection.''.

SEC. 402. PROHIBITING USE OF CAMPAIGN FUNDS FOR POLITICAL ROBOCALLS MADE TO INDIVIDUALS ON DO-NOT-CALL REGISTRY.

Section 318(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(f)), as added by section 214(b)(4), is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) COMPLIANCE WITH DO-NOT-CALL REGISTRY.—No contribution, independent expenditure, electioneering communication, or other donation of funds which is subject to the requirements of this Act may be used for a political robocall which is made to a telephone number which is registered on the national do-not-call registry implemented by the Federal Trade Commission.''.

SEC. 403. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, including an action brought to challenge the constitutionality of granting an unfair advantage in representation in the House of Representatives to residents of the District of Columbia, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised (including but not limited to an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

Mr. DANIEL E. LUNGREN of California (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

Mr. BRADY of Pennsylvania. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

□ 1550

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, this motion to recommit is of three parts. I would like to ask the gentleman from Texas, the ranking Republican on the Judiciary Committee, to explain one of the parts as it deals with a very important constitutional issue.

Mr. SMITH of Texas. I thank the gentleman from California (Mr. LUNGREN), the ranking member of the subcommittee, for yielding.

Mr. Speaker, this motion to recommit would add to H.R. 5175 the same expedited judicial review process that Congress approved as part of the McCain-Feingold campaign finance reform law. Because H.R. 5175 raises the same constitutional issues that were at issue in the Citizens United case, expedited review should be included in this legislation as well.

The base bill does not contain the reference to 28 U.S.C. 2284 that Congress specifically designed and has used repeatedly to assure the prompt resolution of constitutional claims. Judicial review may not have been included because the base bill was designed to stall judicial review by the Supreme Court until after the 2010 elections. I hope that is not the case. But this House can only dispel that suspicion and facilitate the prompt constitutional review of this legislation by approving this motion to recommit.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, as I mentioned, this motion to recommit is in three parts. It applies the act's expanded ban on expenditures by foreign nationals to include lobbyists who register under the Lobbying Disclosure Act to represent countries defined as state sponsors of terrorism or to represent a foreign national as defined by the act.

It also provides that political robocalls which are not authorized by a candidate may only be made if none of the individuals who are called are listed on the Federal do-not-call registry. It does nothing with our robocalls by the candidate or by tele-town halls either as a candidate or as a Member of Congress.

Finally, as was mentioned by the gentleman from Texas, this repairs, hopefully, an unintentional problem in this bill—perhaps intentional. This bill does not have the expedited appellate procedure that we've had in every other campaign finance law. And what this motion to recommit does is says that same process that we've had which allows an expedited review of the underlying constitutionality of this bill will be in this bill as it has been in the past. Why? Because we are dealing with the First Amendment to the Constitution, and people ought to know sooner rather than later whether the law we passed is constitutional.

If in fact your intent is to ensure there is vagueness for this election period so that those who are protected in this bill—that is, the exemptions given to the unions applies, but there is uncertainty on the part of other corporate entities, either for-profit or not-for-profit, that will have a chilling effect on the latter group, and that will create an uneven playing field for the balance of this election period. The only way in which you might not have that uneven playing field is to have an expedited consideration all the way to the Supreme Court of the underlying constitutionality.

We have spent 40 hours in this Congress naming post offices; can't we spend a little bit of time protecting the First Amendment to the Constitution of the United States? And also, make sure that the judicial branch has an opportunity to review this so that people can know when they are able to speak. We're talking about political speech, the essence of the First Amendment, and for us not to allow that consideration by the courts in an accelerated manner, as we have every other time, is unworthy of this place, is unworthy of our constituents, and is unworthy of the Constitution that we take an oath to uphold.

I would ask for a unanimous vote in support of this motion to recommit.

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

Mr. BRADY of Pennsylvania. Mr. Chairman, I claim time in opposition to the motion.

The SPEAKER pro tempore. Is the gentleman from Pennsylvania opposed to the motion?

Mr. BRADY of Pennsylvania. I am.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. BRADY of Pennsylvania. Mr. Speaker, this motion to recommit is a needless distraction from the core mission of the underlying legislation. All the legislation says basically is, who is saying it, who is paying it? We have a right to know who's talking about us; we have a right to know who's talking for us. That's all this says. I urge the Members to defeat this motion.

I would like to yield to the author of this legislation, the distinguished gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. I thank the chairman of the committee.

This legislation, as we all know, by its terms says that if you're a foreign-controlled entity in the United States, you can not be spending money to influence elections. The proposal put forward here actually prohibits U.S. citizens from contributing as they're allowed to do under the Constitution, or

from expending their own funds. It is blatantly constitutional. Given all the conversation we had and the resistance to the notion that we're going to prevent foreign-controlled entities from spending money, it's a little surprising we would now say that U.S. citizens can't be either contributing or spending, number one.

Number two, with respect to the ban on robocalls, what this legislation has been all about is disclosure. If you're going to spend money on TV or radio or whatever for political expenditure purposes, tell the voters who you are and who's paying for it. We've been hearing all day about how you don't want to impinge on the First Amendment, and what you do here is an outright bar on legal calls made. We're just saying when you make those calls, tell us who's paying for them, tell the voters who's paying for them. Whether you like the group or whether you don't like the group, the voter has a right to know.

Finally, you've injected into this motion to recommit a provision with respect to how we would deal with challenges to D.C. voting rights. As you well know, we have not even passed a piece of legislation out of this Congress on D.C. voting rights that has gone to the President's desk, and yet you've inserted that totally unrelated matter into this legislation. So it's interesting, after all the comments we heard from the other side of the aisle about the time you had to consider the DISCLOSE Act, that we got 5 minutes to look at this, but 5 minutes was more than enough time to determine that it's blatantly unconstitutional. You're not just saying inform the voter, you're denying American citizens and voters the right to contribute to campaigns, to participate freely in campaigns. You're saying that you can't exercise your legal rights with robocalls even if you're telling people who is spending it.

And finally, you've injected a total spurious and unrelated provision with respect to D.C. voting rights. Let's give the voters the right to know. Let's make sure that we pass legislation so that foreign-controlled interests can not spend money in U.S. elections, whether it's British Petroleum or any other organization. And let's make sure that, whether you like the group or don't like the group, that voters have the information when they see that television set with the nice-sounding name like the Fund for a Greater America, that they have the right to get the information and judge for themselves about who's paying for it.

So this is a blatant attempt to distract this effort at the last minute. Again, I point out that the League of Women Voters—that's no political organization—Common Cause, Public Citizen, all the organizations that have devoted themselves to clean campaigns and fair elections support this legislation.

I urge the rejection of the motion to recommit and the passage of the bill.

Mr. BRADY of Pennsylvania. Again, Mr. Chairman, all we need to know and the voters need to know is who's saying it and who's paying it.

With that, I would ask for a ''no'' vote on the motion to recommit and a ''yes'' vote on the disclosure bill.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 5175, if ordered; and suspension of the rules with regard to House Resolution 1464.

The vote was taken by electronic device, and there were—ayes 208, noes 217, not voting 8, as follows:

[Roll No. 390]

AYES—208

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hodes
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—217

Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—8

Barrett (SC)
Blunt
Brown (SC)
Hoekstra
Pence
Rothman (NJ)
Visclosky
Wamp

□ 1617

Messrs. LEVIN and SCHRADER changed their vote from ''aye'' to ''no.''

Messrs. ALTMIRE, HODES, and HILL changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. BARTON of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 219, noes 206, not voting 8, as follows:

[Roll No. 391]

AYES—219

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Watson
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—206

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Childers
Clarke
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Critz
Culberson
Dahlkemper
Davis (IL)
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Edwards (MD)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Paulsen
Payne
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Waters
Watt
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Barrett (SC)
Blunt
Brown (SC)
Hoekstra
Pence
Rothman (NJ)
Visclosky
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1629

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING 50TH ANNIVERSARY OF UNITED STATES-JAPAN TREATY OF MUTUAL COOPERATION AND SECURITY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1464) recognizing the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region, on which a recorded vote was ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 2, not voting 18, as follows:

[Roll No. 392]

AYES—412

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)