

Stearns	Thornton	Weber
Stenholm	Torres	Weiss
Stokes	Torricelli	Weldon
Studds	Towns	Wheat
Stump	Traficant	Whitten
Sundquist	Unsoeld	Williams
Swett	Upton	Wilson
Swift	Valentine	Wise
Synar	Vander Jagt	Wolf
Tallon	Vento	Wyden
Tanner	Visclosky	Wylie
Tauzin	Volkmer	Yates
Taylor (MS)	Vucanovich	Yatron
Taylor (NC)	Walker	Young (AK)
Thomas (CA)	Walsh	Young (FL)
Thomas (GA)	Waters	Zeliff
Thomas (WY)	Waxman	Zimmer

Thereupon, Mr. MCDERMOTT, Chairman, announced that 417 Members had been recorded, a quorum.

The Committee resumed its business. After some further time,

#### ¶71.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. THOMAS of California:

Strike out all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Enhancement Act of 1992".

#### SEC. 2. FINDINGS AND PURPOSES.

(A) FINDINGS.—The Congress finds that—  
 (1) the right to vote is a fundamental right;  
 (2) it is the responsibility of each citizen to exercise that right;

(3) it is the duty of the Federal, State, and local governments to promote the exercise of that right;

(4) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office;

(5) such laws and procedures can disproportionately harm voter participation in such elections by members of various groups, including racial minorities;

(6) all citizens of the United States are entitled to be protected from vote fraud and from voter registration lists that contain the names of ineligible or nonexistent voters, which dilute the worth of qualified votes honestly cast; and

(7) all citizens of the United States are entitled to be governed by elected and appointed public officers who are responsible to them and who govern in the public interest without corruption, self-dealing, or favoritism.

(b) Purposes.—The purposes of this Act are—

(1) to increase registration of citizens as voters in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to enhance voter participation in elections for Federal office;

(3) to protect the integrity of the electoral process;

(4) to ensure the maintenance of accurate and current official voter registration lists; and

(5) to guarantee to the States, and to their citizens, a republican form of government, including elections conducted free of fraud, and governmental processes conducted free of corruption, self-dealing, or favoritism.

#### "TITLE I—VOTER REGISTRATION ENHANCEMENT"

#### SEC. 101. FEDERAL COORDINATION AND BIENNIAL ASSESSMENT.

The Attorney General—

(1) shall be responsible for coordination of Federal functions under this Act;

(2) shall provide information to the States with respect to State responsibilities under this Act; and

(3) shall, not later than June 30 of each even-numbered year, submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2 calendar years and providing recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act.

#### SEC. 102. RESPONSIBILITY OF CHIEF STATE ELECTION OFFICIAL.

The chief State election official of each State shall be responsible for coordination of State functions under this title.

#### SEC. 103. VOTER REGISTRATION ENHANCEMENT BLOCK GRANTS.

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General—

(1) for making grants under this section for fiscal years 1992, 1993, and 1994, a total of \$25,000,000; and

(2) such additional sums as may be necessary for administrative expenses of the Attorney General in carrying out this title.

(b) BLOCK GRANTS.—(1) From the amounts appropriated under section (a) for any fiscal year, the Attorney General shall make grants to States, through chief State election officials, for the purposes of supporting, facilitating, and enhancing voter registration.

(2) To qualify for a grant under paragraph (1), a State shall match any amount of Federal funds dollar for dollar with State funds for voter registration enhancement activities, such as, but not limited to—

(A) providing for voter registration for elections for Federal office at State departments of motor vehicles; and

(B) providing for uniform and nondiscriminatory programs to ensure that official voter registration lists are accurate and current in each State.

(c) ALLOCATION OF GRANTS.—(1) The Attorney General shall by regulation establish criteria for allocation of grants among States based on—

(A) the number of residents of each State;

(B) the percentage of eligible voters in each State not registered to vote; and

(C) other appropriate factors.

(2) In promulgating criteria pursuant to paragraph (1), the Attorney General shall give special consideration to State-sponsored programs designed to improve registration in counties with voter registration percentages significantly lower than that for the State as a whole.

(d) ADMINISTRATIVE REQUIREMENTS.—(1) The Attorney General shall by regulation establish administrative requirements necessary to carry out this section.

(2) To be eligible to receive a grant under this section, a State shall certify that the State—

(A) has in place legislative authority and a plan to implement procedures to promote and facilitate, to an extent and in such manner as the Attorney General may deem adequate to carry out the purposes of this title, voter registration for Federal elections in connection with applications for driver's licenses;

(B) agrees to use any amount received from a grant under this section in accordance with the requirements of this section;

(C) agrees that any amount received through a grant under this section for any period will be used to supplement and increase any State, local, or other non-Federal funds that would, in the absence of the grant, be made available for the programs and activities for which grants are provided under this section and will in no event supplant such State, local, and other non-Federal funds; and

(D) has established fiscal control and fund accounting procedures to ensure the proper

disbursement of, and accounting for, grants made to the State under this section.

(3) The Attorney General may not prescribe for a State the manner of compliance with the requirements of this subsection.

(e) REPORTS.—(1) The chief State election official of a State that receives a grant under this section shall submit to the Attorney General annual reports on its activities under this section.

(2) A report required by paragraph (1) shall be in such form and contain such information as the Attorney General, after consultation with chief State election officials, determines to be necessary to—

(A) determine whether grant amounts were expended in accordance with this section;

(B) describe activities under this section; and

(C) provide a record of the progress made toward achieving the purposes for which the block grants were provided.

#### SEC. 104. DEFINITIONS.

For the purpose of this title—

(1) the term "chief State election official" means, with respect to a State, the officer, employee, or entity with authority, under State law, for election administration in the State;

(2) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(3) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)); and

(4) the term "State" has the meaning stated in section 301(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(2)).

#### TITLE II—PUBLIC CORRUPTION

#### SEC. 201. ELECTION FRAUD AND OTHER PUBLIC CORRUPTION.

(a) AMENDMENT OF TITLE 18 OF THE UNITED STATES CODE.—Chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

#### "§ 226. Public corruption

"(a) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of the honest services of an official or employee of the United States or the State, political subdivision, or Indian tribal government shall be fined under this title, imprisoned for not more than 20 years, or both.

"(b) Whoever, in a circumstance described in subsection (d), defrauds, or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of a fair and impartially conducted election process in any primary, runoff, special, or general election—

"(1) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the jurisdiction in which the election is held;

"(2) through paying or offering to pay any person for voting;

"(3) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(4) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title, imprisoned for not more than 20 years, or both.

"(c) Whoever, being a public official or an official or employee of the United States, a State, a political subdivision of a State, or an Indian tribal government, in a cir-

circumstances described in subsection (d), defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States, a State, a political subdivision of a State, or Indian country of the right to have the affairs of the United States, the State, political subdivision, or Indian tribal government conducted on the basis of complete, true, and accurate material information, shall be fined under this title, imprisoned for not more than 20 years, or both.

“(d) The circumstances referred to in subsection (a), (b), and (c) are that—

“(1) for the purpose of executing or concealing such scheme or artifice or attempting to do so, the person so doing—

“(A) places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

“(B) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

“(C) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

“(D) in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce;

“(2) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed so affect, interstate or foreign commerce; or

“(3) as applied to an offense under subsection (b), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have some authority over the administration of funds derived from an Act of Congress totaling \$10,000 or more during the 12-month period immediately preceding or following the election or date of the offense.

“(3) Whoever defrauds or endeavors to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or person who has been selected to be a public official shall be fined under this title, imprisoned for not more than 20 years, or both.

“(f) Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States, a State, a political subdivision of a State, or an Indian tribal government, or endeavors to do so, in order to carry out or to conceal any scheme or artifice described in this section, shall be fined under this title, imprisoned for not more than 5 years, or both.

“(g) For the purposes of this section—

“(1) the term ‘official’ includes—

“(A) any person employed by, exercising any authority derived from, or holding any position in an Indian tribal government or the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

“(B) any person acting or pretending to act under color of official authority; and

“(C) any person who has been nominated, appointed, or selected to be an official or who has been officially informed that such person will be so nominated, appointed, or selected;

“(2) the terms ‘public official’ and ‘person who has been selected to be a public official’ have the meanings stated in section 201(a) and shall also include any person acting or pretending to act under color of official authority;

“(3) the term ‘State’ means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States; and

“(4) the term ‘under color of official authority’ includes any person who represents that such person controls, is an agent of, or otherwise acts on behalf of an official, a public official, or a person who has been selected to be a public official.”.

(b) TECHNICAL AMENDMENTS.—(1) The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following item:

“226. Public corruption.”.

(2) Section 1961(1) of title 18, United States Code, is amended by inserting “section 226 (relating to public corruption),” after “section 224 (relating to sports bribery),”.

(3) Section 2516(1)(c) of title 18, United States Code, is amended by inserting “section 226 (relating to public corruption),” after “section 224 (bribery in sporting contests),”.

SEC. 202. FRAUD IN INTERSTATE COMMERCE.

(a) AMENDMENT OF TITLE 18 OF THE UNITED STATES CODE.—Section 1343 of title 18, United States Code, is amended—

(1) by striking “transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds” and inserting “in connection with intrastate, interstate, or foreign commerce, engages the use of a facility of interstate or foreign commerce”; and

(2) by inserting “or attempting to do so” after “for the purpose of executing such scheme or artifice”.

(b) TECHNICAL AMENDMENTS.—(1) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

“§1343. Fraud by use of facility of interstate commerce”.

(2) The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the analysis for section 1343 and inserting the following:

“1343. Fraud by use of facility of interstate commerce.”.

SEC. 203. PRESERVATION OF THE EFFECT OF STATE LAW THAT PROVIDES GREATER PROTECTION AGAINST VOTE FRAUD.

In the case of any conflict between the provision of this Act and any provision of the civil or criminal law of any State, the law of the State shall prevail to the extent that such State law provides for more stringent suppression of vote fraud than this Act.

Amend the title so as to read “An Act to establish national voter registration procedures for Presidential and congressional elections, and for other purposes.”.

It was decided in the } Yeas ..... 133  
negative ..... } Nays ..... 290

71.16 [Roll No. 193] AYES—133

Table with 3 columns: Name, Roll No., and Action. Includes names like Allard, Ballenger, Bilirakis, Barrett, Bliley, Barton, Boehner, Armer, Bentley, Bunning, Baker, Bereuter, Burton.

Table with 3 columns: Name, Roll No., and Action. Includes names like Callahan, Hobson, Regula, Camp, Holloway, Rhodes, Campbell (CA), Hopkins, Riggs, Clinger, Houghton, Ritter, Coleman (MO), Hunter, Roberts, Combest, Hyde, Rogers, Coughlin, Inhofe, Rohrabacher, Cox (CA), Johnson (CT), Ros-Lehtinen, Crane, Johnson (TX), Roth, Cunningham, Kasich, Santorum, Davis, Kolbe, Saxton, DeLay, Kyl, Schaefer, Dickinson, Lagomarsino, Schiff, Doolittle, Lancaster, Schulze, Dornan (CA), Lent, Sensenbrenner, Dreier, Lewis (CA), Shaw, Duncan, Lightfoot, Shuster, Edwards (OK), Livingston, Skeen, Emerson, Lowery (CA), Smith (NJ), Ewing, Martin, Smith (OR), Fawell, McCandless, Smith (TX), Fields, McCollum, Snowe, Franks (CT), McCrery, Solomon, Gallegly, McDade, Spence, Gallo, McEwen, Stearns, Gekas, McGrath, Stump, Gilchrest, McMillan (NC), Sundquist, Gillmor, Meyers, Thomas (CA), Gingrich, Michel, Thomas (WY), Goodling, Miller (OH), Vander Jagt, Goss, Molinari, Vucanovich, Gradison, Moorhead, Walker, Grandy, Myers, Weber, Gunderson, Nichols, Weldon, Hammerschmidt, Nussle, Wolf, Hancock, Packard, Wylie, Hansen, Paxon, Young (AK), Hastert, Petri, Young (FL), Hefley, Porter, Ravenel.

NOES—290

Table with 3 columns: Name, Roll No., and Action. Includes names like Abercrombie, Dicks, Jacobs, Alexander, Dingell, James, Allen, Dixon, Jefferson, Anderson, Donnelly, Jenkins, Andrews (ME), Dooley, Johnson (SD), Andrews (NJ), Dorgan (ND), Johnston, Andrews (TX), Downey, Jones (GA), Annunzio, Durbin, Jones (NC), Anthony, Dwyer, Jontz, Aspin, Dymally, Kanjorski, Atkins, Early, Kaptur, AuCoin, Eckart, Kennedy, Bacchus, Edwards (CA), Kennelly, Barnard, Edwards (TX), Kildee, Bateman, Engel, Kleczka, Beilenson, English, Klug, Bennett, Erdreich, Kolter, Berman, Espy, Kopetski, Bevill, Evans, Kostmayer, Bilbray, Fascell, LaFalce, Blackwell, Fazio, Lantos, Boehlert, Feighan, LaRocco, Borski, Fish, Laughlin, Boucher, Flake, Leach, Boxer, Foglietta, Lehman (CA), Brewster, Ford (MI), Lehman (FL), Brooks, Ford (TN), Levin (MI), Browder, Frank (MA), Levine (CA), Brown, Frost, Lewis (FL), Bruce, Gaydos, Lewis (GA), Bustamante, Gejdenson, Lipinski, Byron, Gephardt, Lloyd, Campbell (CO), Geren, Long, Cardin, Gibbons, Lowey (NY), Carper, Gilman, Luken, Carr, Glickman, Machtley, Chandler, Gonzalez, Manton, Chapman, Gordon, Markey, Clay, Green, Marlenee, Clement, Guarini, Martinez, Coble, Hall (OH), Matsui, Coleman (TX), Hall (TX), Mavroules, Collins (IL), Hamilton, Mazzoli, Collins (MI), Harris, McCloskey, Condit, Hatcher, McCurdy, Conyers, Hayes (IL), McDermott, Cooper, Hayes (LA), McHugh, Costello, Henry, McMillen (MD), Cox (IL), Hertel, McNulty, Coyne, Hoagland, Mfume, Cramer, Hochbrueckner, Miller (CA), Dannemeyer, Horn, Miller (WA), Darden, Horton, Mineta, de la Garza, Hoyer, Mink, DeFazio, Huckabay, Moakley, DeLauro, Hughes, Mollohan, Dellums, Hutto, Montgomery, Derrick, Ireland, Moody.