for the export of commercial communication satellites to China.

In the 1992 Presidential campaign, Governor Clinton attacked President Bush for ''coddling dictators'' including those who ordered the massacre of pro-democracy demonstrators at Tiananmen Square.

Who could have imagined then that President Clinton's Administration would face questions about compromising our national security at the hands of those same Chinese leaders.

Yet, in May of 1997 a highly classified Pentagon report has reportedly concluded that scientists from two leading American satellite companies, Loral Space and Communications and Hughes Engineering, provided expertise that significantly improved the guidance and reliability of China's ballistic missiles.

Moreover, documents released by the White House disclose that the Justice Department had concerns about issuing a waiver in February 1998 for the export of a Loral satellite, and the Clinton Administration knew it. Accordingly to a memo prepared for the President by his National Security Advisor, Justice ''has cautioned that a national interest waiver in this case could have a significant adverse impact on any prosecution that might take place * * *''

Despite this, the President decided to grant Loral a waiver for the export of a satellite to China.

I am concerned that in its desire to promote the commercial interests of key U.S. companies, the Administration may have undercut its own efforts to limit the spread of missile technology to China, which today is the world's leading exporter of weapons of mass destruction.

The Administration has insisted, that nothing untoward has occurred, that no inappropriate decisions or actions have been taken that resulted in harm to U.S. national security.

We will look to this proposed Select Committee to examine these issues and look forward to its conclusions and recommendations. Accordingly, I urge Members of the House to support the establishment of this important panel.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 476, the previous question is ordered on the resolution, as amended.

The question is on the resolution, as amended.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER (during the voting). The Chair will remind Members that it is their responsibility to be in the Chamber when a vote is underway.

The vote was taken by electronic device, and there were—yeas 409, nays 10, not voting 14, as follows:

[Roll No. 245]

YEAS—409

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moran (KS)
Moran (VA)
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—10

Conyers
Furse
Kanjorski
Lewis (GA)
McDermott
Mollohan
Murtha
Nadler
Oberstar
Yates

NOT VOTING—14

Clayton
Clement
Cooksey
Gonzalez
Green
Gutknecht
Hastings (FL)
Houghton
Martinez
McNulty
Moakley
Torres
Towns
Weldon (FL)

□ 1511

Mr. OBERSTAR, Mr. NADLER and Ms. FURSE changed their vote from ''yea'' to ''nay.''

Ms. CARSON changed her vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 458 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 458

Resolved, That during further consideration of the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, in the Committee of the Whole House on the State of the Union pursuant to House Resolution 442, all points of order against each amendment printed in the report of the Committee on Rules accompanying this resolution are waived if the amendment is offered by a Member designated in the report. An amendment so offered shall be considered as read.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

□ 1515

Mr. LINDER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I might consume. During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, this is the second resolution defining the rules of debate for the campaign finance bill, and it fulfills the promise made by the Speaker for a full and open debate on campaign finance reform. House Resolution 458 provides for the further consideration of H.R. 2183, the Bipartisan Campaign Integrity Act. The rule makes in order amendments printed in the Committee on Rules report accompanying this resolution to be offered by the Member designated in the report. The rule also waives all points of order against those amendments and provides that they shall be considered as read.

I do want to mention that the second rule identifies a certain subset of possible perfecting amendments, those printed in the accompanying report of the Committee on Rules. For those amendments the second rule waives all points of order, thereby partially superseding the terms of the first rule, H. Res. 442.

Mr. Speaker, by way of review, the House passed the rule in late May that provided for general debate in consideration not only of the constitutional amendment but also provided for the consideration of 11 amendments in the nature of a substitute with a bipartisan freshman reform bill serving as the base text. That rule allowed for the consideration of any germane amendment to the 11 substitutes to reform our campaign finance laws. Today in order to allow for consideration of as many amendments as possible this second rule makes in order every amendment submitted to the Committee on Rules.

Mr. Speaker, we cannot ask for a more fair and open amending process. The debate rules will ensure the most open debate process in the history of campaign finance reform, as was promised by Speaker GINGRICH and the Republican majority. Unfortunately the Democrat opponents of open debate promised to close down the process, allow consideration of only one bill and foreclose all other opinions on this subject. Democrats will ironically ask for closed rules or procedures that they used for 40 years to subvert popular legislation and undermine open debate, and, in addition, a recent Washington Post editorial expressed its distress that the open process may actually permit the substitute that has the most support to win. I find it interesting that wide open rules are now considered shams when the Democrats are not getting their way.

Let us review the history of campaign finance. When it came time to reform these laws the old Democrat Committee on Rules muzzled the minority and forced a closed rule upon us. Not only were we allowed to offer only one amendment to the entire bill, but the Democrats refused to allow us the basic right to offer a motion to recommit with instructions. This was not an isolated incident, but rather a pattern of suppressed debate on this issue in Democrat Congresses. In the 102nd Congress Democrats again stifled open and free debate with a similarly closed gag rule.

Mr. Speaker, rather than suppress debate, the Republican Congress has offered a wide open rule. Only weeks ago leading proponents of campaign finance reform were celebrating. Now apparently they only want to debate their own proposals. It is not enough that they want us to pass laws to limit and regulate political expression and free speech, but they also want to limit it and restrict free speech here in the House when we debate and consider these bills.

Up in the Committee on Rules we listened to testimony from Members requesting that we make their amendments in order. What did we do? We granted their requests and made their amendments in order. Now it strikes me as rather disingenuous and somewhat hypocritical for Members to submit these amendments to the Committee on Rules and then oppose the rule after we made their amendments in order. I have concluded that many Members on the other side of the aisle have decided that they just do not want to vote on some particular amendments. We are going to have a vote on banning contributions from noncitizens, prohibiting fund-raising on Federal property, prohibiting solicitation to obtain access to the White House or Air Force One and establishing penalties for violating the prohibition against foreign contributions.

While I understand why the Democrats would not want to vote on these issues, each of these amendments deserves consideration. This rule allows us to debate these important issues.

Mr. Speaker, I do not think we need a massive overhaul of our campaign finance laws, but I do have concerns about campaign financing. These concerns are about illegal money from the People's Liberation Army, illegal campaigning in Federal property and illegal campaign donations from Buddhist monks. We have laws that prevent that already, and I believe it would be more useful if we can get some kind of assurance that the current laws that we have on the books are going to be honored. These new campaign proposals will do nothing to stop the kind of shameless disregard for that law that we saw in 1996.

Mr. Speaker, let us enforce the current laws, and if it is necessary to consider more campaign legislation, let us have an open process that allows for a full debate on all pertinent issues. This rule provides for that kind of open debate.

I urge my colleagues to support the rules so we may proceed with consideration of each of the substitute campaign finance reform bills and any amendment which is offered.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. I thank the gentleman for yielding this time to me.

Mr. Speaker, I appreciate the gentleman yielding, and I would like to make a statement before the body.

I have had the opportunity to discuss this work with so many interested Members, and indeed there are a great many interested Members. I am particularly responding here relating to the discussions I had with the gentleman from Connecticut (Mr. SHAYS), the gentleman from Alabama (Mr. HUTCHINSON) and the gentleman from Texas (Mr. BRADY) and discussions with members on the leadership, including the gentleman from Texas (Mr. DELAY) and others, and I want to give the body every assurance that while, one, we appreciate the cooperation and interest everyone has in this bill, they should be assured that this bill will be completed.

Proceedings on this bill in this House will be completed in their entirety by the August recess, and I would implore all Members of the body to be willing to work with the floor managers. We will make the time available. Work with the floor managers, restrain yourselves from deleterious taxes, let us keep our attention on this bill. We will make ample time available, and we will be done with House proceedings on this bill by the August recess with a good spirit of cooperation by all interested parties.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

My friend from Texas is leaving the Chamber. He has just committed that we will complete consideration 7 weeks from today. If I understand what he just said, 7 weeks from today.

Mr. Speaker, if the first campaign finance reform rule reported from the Committee on Rules were not proof enough, I bring to my colleagues' attention rule No. 2. This rule is proof positive that the Republican leadership has absolutely no intention of letting Members of the House decide if we do

or do not want campaign finance reform this year. This rule assures that the House will never be able to come to a conclusion on this issue despite the assurances of the majority leader that we will do it in the next 7 weeks.

In the name of free and open debate the Republican leadership has perverted the process into a cynical exercise. That is fine, Mr. Speaker, just as long as everyone understands what is happening here. As my colleagues know, Mr. Speaker, when I was first learning about rules and procedure in the House, I was told the story of how one European parliament was never able to reach a decision because it did not have the parliamentary device of the previous question. It was unable to end debate, and consequently that parliament failed in its attempt to do its business. It seems to me that this rule puts this body at the dawn of the new millennium in the same boat as was that parliament. We will be unable to reach a decision.

In other words, Mr. Speaker, the Republican leadership is living up to its promise that the House will consider campaign reform, campaign finance reform, but they are doing that by assuring that the House will consider campaign finance reform a very, very, very long time, and that if we should by chance finish this legislation 7 weeks from now, of course it will be so late in the session that it will be impossible for the other body to act.

No longer will the Senate be able to lay sole claim to ownership of the filibuster. The Republican leadership has devised a new and original form of filibuster which we will all be able to participate in over the course of the next 7 weeks at a very minimum. If we awarded points around here for originality, the Republican leadership would certainly rate a 10.

But that is not all, Mr. Speaker. The amendments made in order by this rule are totally nongermane to the issue of reforming the campaign finance laws in this country. Let me give my colleagues just a sample of the amendments made in order in the name of free and open debate.

First, an amendment which would require unions to report their financial activities by functional category and which would require those reports to be posted on the Internet. Or how about this amendment that would require the President to post on the Internet the name of any passenger on Air Force One or Air Force Two within 30 days of the flight.

The rule makes in order many other amendments, but can someone please tell me what this amendment has to do with campaign finance reform? The rule entitles the gentleman from Virginia (Mr. GOODLATTE) to offer an amendment to each and every substitute which seeks to repeal motor voter. The point is, Mr. Speaker, this rule, like the first campaign finance rule, is specifically designed to ensure that the House will never get a clean up or down vote on Shays-Meehan. We will go through the futile exercise of amending 11 substitutes that are germane and 258 nongermane amendments, and only then, after we go through the entire process, will we be able to determine if there is in fact a winner. Quite frankly, Mr. Speaker, this process does not allow for a winner. It makes us all losers.

The Republican leadership has kept its promise to allow debate on campaign finance reform, but this process is too clever by half. This is a ruse, and none of us should forget it for a moment.

In order that the House might have the opportunity to actually reach a decision it is my intention to oppose the previous question on this resolution. Then, Mr. Speaker, should the House defeat the previous question, it will be my intention to offer a rule which mirrors the rule proposed in the original discharge petition on campaign finance. That rule, of course, was designed to allow the House to actually reach an end to the debate on the question of campaign finance reform. The substitute rule will allow for 1 hour of debate on each of 11 substitutes. It will allow the House to choose under a most-votes win procedure which of the substitutes is a preferred vehicle for further amendment. Once the House makes that choice, there would be 10 hours to consider germane amendments. The rule I propose, Mr. Speaker, would place a reasonable time frame of consideration of campaign finance reform.

That being said, Mr. Speaker, I would urge every Member of the House to oppose the previous question and to support the rule which I will offer.

In any case, Mr. Speaker, I would like to take this opportunity to notice my intention to support an important germane amendment to the Shays-Meehan substitute. As Members who have studied the history of campaign financing are aware, when the Supreme Court handed down its decision in Buckley v. Valeo in 1976, it struck down one of the four essential pillars of the campaign legislation passed by the Congress and, as a result, left an unbalanced and unstable package standing. Because the entire act was designed to be a package, when the Court struck down one part, the campaign finance laws were left without an essential component which had been envisioned as critical to making those reforms work.

Therefore, it is my strong belief that if we are going to create new campaign finance laws, it is critically important that any legislation should include a nonseverability clause so that the entire package will stand or fall even if one component might later be struck down by the courts. Should this happen, Mr. Speaker, without a nonseverability clause, we will be right back where we are today.

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

□ 1350

Mr. LINDER. Mr. Speaker, I would just like to take a moment to point out that the gentleman who just spoke is supporting all kinds of campaign finance reform except that which would include regulating labor union contributions from whom he received $427,000 in the last campaign cycle.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DELAY), the majority whip of the House.

Mr. DELAY. Mr. Speaker, I rise in support of this rule, and I urge my colleagues to vote for an open and honest debate.

Mr. Speaker, my response to the gentleman from Texas who just spoke is, what chutzpa. What chutzpa. The gentleman is now against the rule after calling for open and honest debate, because this rule does not reflect exactly the way that he wants the rule to reflect; therefore, we need an open and honest debate.

Let me put this into perspective. After the last election, the Clinton administration violated campaign laws. Most people understand that, most people have seen it, using the Air Force One, Lincoln bedroom, raising money on telephones, going to temples, all of these kinds of things. In order to cover that, his party decided to call for campaign finance reform and have, for now well over a year, wanting open and honest debate right down here on the floor in this well.

They have called for open and honest debate. They want open and honest debate. Well, this rule grants us the opportunity to have that full and complete debate on the state of our campaign laws.

We feel that we ought to look at more than just limiting free speech, as the minority wants to do, but we ought to look at all of our campaign laws, those that have been broken, those that have the potential to be broken; look at everything about a campaign, not just finances.

Some of my colleagues are now complaining, complaining that the debate will be too open, too comprehensive, too complete. Well, when we first announced that we would have an open rule, some of these colleagues were exuberant. The gentleman from Maine (Mr. ALLEN) on the other side of the aisle said, this is great, this is exciting, after he learned that we would bring an open rule to the floor. My friend, the gentleman from Connecticut (Mr. SHAYS) said it was a great day for democracy. Fred Wertheimer, Fred Wertheimer of Common Cause said it was a real breakthrough. But now the so-called reformers are complaining because this debate will be too open for their taste.

Well, apparently, the only kind of open debate they want is the debate on their proposals. In their minds, the only reforms worth real discussion are their reforms.

Well, I think this attitude is typical of the wider debate. The reformers believe that the campaign system is so

corrupt, so broken that government has to step in and regulate political expression and freedom of speech. They are so convinced of the morality of their own position that they refuse to entertain other ideas of true reform. Today they want to limit debate on their own proposals, rather than open it up to the free market of ideas. And this rule allows that free market of ideas to work on this floor. I am looking forward to it.

Now, in my view, the real reason we are having this debate at all is because of the abuses of the Clinton campaign in this last election. The administration wants to change the subject. They remind me of the boy who killed both of his parents and then begged for mercy because he was an orphan. The Clinton campaign brazenly broke the campaign laws, and then begged for mercy, claiming the campaign system was broken.

We need to have debate on these laws that were broken. We need to have a better understanding of why we are here today so that we can better understand where we are headed.

So I urge my colleagues to support and vote for the previous question and vote for this rule so that we can get to the debate.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, 3 years ago Speaker Gingrich and President Clinton shook hands on national television, promising to tackle campaign finance reform and to restore the American people's faith in our electoral system. Since that time, the Republican leadership has done everything in their power to block campaign finance reform and to keep the spigots of special interest money flowing.

First, the Speaker and the Republican leadership simply tried to ignore the promise that they made to the public. Apparently, a man's handshake does not mean what it used to.

Next, under mounting public pressure, the Republican leadership tried to fool the American people with so-called reform that they rushed through without debate, and then virtually every major newspaper and public interest group called this maneuver a sham.

Finally, after a discharge petition threatening to force a full and an open debate on campaign finance reform, the Republican leadership devised a new strategy to kill it, and that is the process we are in now. It is called ''Death By Amendment.'' That is right. Instead of allowing a clean vote on a bipartisan Meehan-Shays bill, they are trying to amend it to death with irrelevant riders and killer provisions.

We say, well, how many amendments? Mr. Speaker, 258 amendments. That is right. The Republican leadership has crafted a rule permitting 258 amendments to divide, to derail, to destroy any possibility of substantive, bipartisan reform.

A lot of these amendments do not even have anything to do with campaign finance reform. They are poison pills. They are what we call booby traps, and each of these amendments, if adopted, could open a floodgate of new amendments. These amendments are the legislative equivalent of a ball and chain designed to cripple campaign reform so that they can push it overboard and watch it sink.

The Los Angeles Times calls this Republican strategy a dirty ploy. The New York Times calls it GOP trickery. I call it shameful. Polls in this country show that 90 percent of Americans think our campaign finance system needs fundamental change or to be completely rebuilt. But the Speaker has said that the problem with our political system is not the lack of reform, but that we do not spend enough money, we do not spend enough money on campaigns.

Mr. Speaker, Americans do not want more special interest money in elections; they want less. And they are tired of seeing campaigns that cost tens of millions of dollars. They are tired of seeing their TV sets flooded with nasty attack ads, and they are tired of outsiders turning their communities into war zones where special interest groups launch air wars that drown out local candidates, local issues, and the voices of individual voters.

Mr. Speaker, the American people want campaign finance reform. Why do you not honor, why do you not honor that handshake?

Today I call on you and the rest of the Republican leadership to stop the cynical charade. Americans want real reform, no more talk, and they want it now. They do not want it in 7 weeks, they do not want it on a promise. We have heard those promises before. I say to the majority leader, we have heard those promises over the last 3 years. Three years after your handshake, the time has come. Not for the strategies of ''do little, delay, death by amendment,'' but a strategy of real reform. Let this House have a clean vote on a bipartisan Meehan-Shays bill and let us start to clean up America's political campaign finance system.

Mr. Speaker, I urge my colleagues to vote ''no'' on the previous question, ''no'' on the rule. We need to go back to the process established on the discharge petition with an up-or-down vote on reform and time limits on amendments.

I see the gentleman from Georgia (Mr. LINDER), the king of raising money in this institution, as well as my friend from Texas (Mr. DELAY); and he is going to get up and he is going to suggest to those in the public that we have been receiving campaign contributions. All of us have. Every one of us has. The question is, how are we going to reform it now? We stand ready. They do not. That is the difference. Let us get on with reform.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. MCINNIS), my colleague on the Committee on Rules.

Mr. MCINNIS. Mr. Speaker, I am amazed at the statement that the gentleman from Michigan makes. He talks about the spigots of special money flowing. That is a quote from the gentleman from Michigan.

The gentleman from Michigan takes 57 percent of his money from political action committees, and most of that political action committee money comes from labor unions. Well, guess what? Some of us kind of agree with the gentleman. Maybe there ought to be an amendment that addresses that union money the gentleman gets and that PAC money he gets.

But the gentleman from Michigan, in my opinion, stands in front of all of us and says, hey, what is this open rule? What do you mean, somebody else besides me has amendments? What do you mean, somebody else on this floor may be entitled to their opinion on what this bill should or should not contain? If it is what I agree with, let us have a closed rule. That is the only thing we ought to debate.

But the gentleman is telling me that SCOTT MCINNIS from Colorado wants to prevent contributions in a swap to ride on Air Force One? Why should SCOTT MCINNIS be allowed to offer an amendment on that? I say to the gentleman from Michigan, it is all fine and dandy when the gentleman gets his bill heard, or when he gets his amendment, but I happen to be one of those 270 amendments. In fact, I have several of those 270 amendments, and I think I am as entitled to debate that on this House floor as the gentleman is.

I am more than happy, and I am going to put in the RECORD the amount of money I get. I do not think it is rotten money. I think it is a right to be an American, a right of being an American to contribute to candidates one likes and to contribute against candidates one does not.

Now, obviously the key is disclosure, and I do not mind disclosing every Friday afternoon on the Internet who gave money to me. But do not prevent me from being competitive with the Al Checcis of California. If someone does not like who contributes to me, vote ''no,'' but do not take the money like the gentleman from Michigan and then stand up here and say how horrible that money is.

Mr. Speaker, 57 percent of that money came from political action committees. And yet the gentleman says, and I repeat it, ''spigots of special money.'' Come on. Let us get a debate here.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, look, what is the difference between rule 1 and rule 2? Rule 2 allows nongermane amendments, 258. Why do they want nongermane amendments? That is not the traditional pattern on this floor. Is

it to promote free speech? Not for a moment. My colleagues tried earlier to choke campaign reform.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

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

Mr. LINDER. Is the gentleman seeking a response?

Mr. LEVIN. Yes.

Mr. LINDER. Mr. Speaker, we are allowing nongermane amendments because many Democrats, as well as Republicans, asked for their amendments to be made in order.

Mr. LEVIN. Mr. Speaker, reclaiming my time, I say to the gentleman, I think every Democrat would be glad to withdraw them if the gentleman will withdraw his nongermane amendments. Would the gentleman agree to that?

Mr. LINDER. Mr. Speaker, if the gentleman will yield further, I have the good fortune of not having any amendments.

Mr. LEVIN. Mr. Speaker, will the gentleman agree to that?

Mr. LINDER. Mr. Speaker, I will agree to withdraw any amendments that I was going to propose.

Mr. LEVIN. No, no. Will the gentleman agree to ask all the Republicans to withdraw all their nongermane amendments if we get all Democrats to do that?

No, no, I will take back my time.

The reason the gentleman does not want to do that is because allowing nongermane amendments is a strategy, it is a tactic. At first the gentleman tried to choke campaign reform with a very restrictive rule and attacked it. Some of the gentleman's own Members rebelled with virtually all of us Democrats. So that did not work, and now essentially the gentleman wants to drown it.

I heard last night some of the Republican Members, I say to the gentleman from Georgia (Mr. LINDER) coming up here and talking about left-wing Democrats who want campaign reform, who want Shays-Meehan, like JOHN MCCAIN, that left-wing Democrat. I understand FRED THOMPSON supports it, that left-wing Democrat; the gentleman from Connecticut, CHRIS SHAYS, is he a left-wing Democrat?.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me this time. I appreciate his work on the Committee on Rules in developing this rule.

I support the rule that is before the House today making in order a number of amendments to various campaign finance proposals before us. I have a stake in this fight. There is the freshman bill, the Hutchinson-Allen bill that is before this body is the base bill, and yes, there are many amendments that have been offered even to that base bill.

Mr. Speaker, I believe that it is important for the American public and important for this body that we have an open and fair debate. In the short time that we have engaged in this debate thus far, I think the American public has seen ideas expressed on this floor. I believe it has been an education process. It is helpful for people as they evaluate the direction of our country on this issue.

I want to respond to the minority whip, the gentleman from Michigan (Mr. BONIOR), who talked about promises not being kept. First of all, the propositions that were made by the Speaker were in reference to the Commission bill that a commission be formed. That was voted on yesterday and defeated on the House floor, but the Speaker supported that, even though many Democrats opposed it.

The Republican leadership, I am delighted, have created this rule that is an open and fair debate. Perhaps we all got into this reluctantly, but we are here now; and I am also pleased that a deadline has been set in which we can complete this reform battle, and that we will have a final vote on campaign finance reform on this floor.

□ 1545

I think this is tremendous progress. I am concerned about amendments that are offered, but it is both the Republicans and the Democrats. The Democrats have offered 74 amendments requesting the Committee on Rules to approve those amendments for consideration on this floor. I believe over 20 of them have been offered by the gentleman from Massachusetts (Mr. MEEHAN), the gentleman who has offered one of the campaign reform proposals.

So we all need to withdraw and to restrict the debate, perhaps, in terms of looking at the amendments. Are they substantive? Are they political? Are they making statements? Do they poison the debate?

And I believe we need to complete it sooner than August. We need to complete it by mid-July, and I am asking for support for the rule for this very important debate.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

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

Mr. MEEHAN. Mr. Speaker, I rise in opposition to this second rule on campaign finance reform. As the New York Times editorialized yesterday, ''NEWT GINGRICH and other foes have lined the road [to reform] with mines and booby traps.''

The Washington Post reported yesterday that ''the House leadership continues to mock its promise to allow a clean vote on campaign finance reform.''

Mr. Speaker, this rule will result in 250 amendments potentially being offered to the Shays-Meehan bill. It is an attempt, and no one is fooled by this blatant attempt to drown the Shays-Meehan bill by frivolous amendments. Just as anti-reformers in the other body have filibustered the McCain-Feingold bill, it is clear that the defenders of the status quo in the House hope to manipulate the legislative process.

As I listen to the debate and as we prepare for the debate, this going back and forth where they check all the Members' reports and then come out and attack every Member for how much money they raised and where they raised it from, the reality is all that serves to do is undermine the debate.

Why do we not have a nice, clean, honest debate about the need to reduce the role of money in politics? But instead, we are scurrying around doing 1½ minutes' worth of opposition research trying to embarrass any Member of the House who comes to the floor to fight for reform.

This reform legislation which is going to come before the House has nothing to do with the campaign finance reports of any Member of this House. What it has to do with is making soft money illegal. What it has to do with is making the independent expenditures that are polluting campaigns all across America not illegal, but to allow disclosure so people in America know who is funding what in terms of ability to influence elections.

The Shays-Meehan bill is bicameral. It is bipartisan. We deserve an up-or-down vote. We should not have this vote cluttered by 250 amendments.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me this time.

Mr. Speaker, I support the rule. I do not think we can have campaign finance reform outside of the context of election reform. There are certainly those in this House who would like to talk about only one element of what is wrong with our campaigns. This rule allows more than that to happen.

How do we enforce the laws we have? The White House has done a great job since November of 1996 talking about the fact that the reason they violated the laws that we had was because we did not have enough laws. Nobody believes that. The worst thing we can do when people do not obey the rules is create more rules.

Mr. Speaker, if we have teenage children at home and they are not obeying the rules, the last thing we do is say we are going to double the number of rules. We have to debate in this context how we enforce the rules. Enforcing the rules matters. That has to be part of this discussion.

Somebody raised the issue of motor-voter, whether that related to campaign finance reform. We have really made it impossible for local jurisdictions that used to do a good job maintaining the integrity of their voter rolls to do that. Money is spent to turn out votes of people who are not on the

voter rolls. That is definitely an election reform, it is a campaign finance reform.

Certainly this rule is an open rule, but it is going to end in 7 weeks. We heard that commitment. This debate is going to go on as we have time for the next 7 weeks. Seven weeks is an important amount of time to talk about the future of the election process in America.

We clearly do not talk about this very often. We are talking now about reforms that were made a quarter of a century ago. We can spend 7 weeks talking about the reforms that are likely to be the reforms for the next quarter of a century. We need this open rule. We need a broad debate. We need this rule. I support it.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the speakers on the other side are, of course, very fast and loose with facts and with innuendo. The White House has never said they violated any campaign law during the last election. The only person convicted of violating the campaign law in the last 2 years is the gentleman from California (Mr. KIM), a Republican Member of this House.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, we are voting here today on a rule. Let us be clear what that rule does. That rule allows over 100 amendments that are nongermane, which means unrelated to the bills we are about to take up.

This is a sham. It is an attempt to defeat the real proposals that are before this House. We have already adopted a rule that allows germane amendments, that means amendments related to the bill, to come up in an unlimited number. So why should we be allowing unrelated amendments now to come up?

And what exactly are the merits that are not being addressed here today in substance, but being addressed in an attempt that drown it in extra amendments? A ban on soft money, those unlimited sums of money that are given both to the Democratic and Republican Party that should cease and which cannot be, in my judgment, rationally defended on the floor of this House.

Secondly, outside interest groups running political ads in congressional districts around the country. Anonymous political advertising. Groups that have maintained that the courts say they have a right to do anonymous political ads. Ridiculous.

These are the merits of the issues. This is what we need to debate. We do not need to adopt a rule that allows unrelated issues exceeding 100 in number to come up and cloud the facts.

Mr. Speaker, we should get to the facts, get to the merits. Ban soft money. Say that anybody that cares to run television commercials in congressional districts around the country must put their names on those ads. People are entitled to know who is at work. Let us defeat the rule.

Mr. LINDER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I think it is interesting that the gentleman from Florida (Mr. DAVIS), who just spoke against this rule because it was too open, put out a press release on March 30 of this year where he said, ''The Republican leadership has deprived the House of Representatives of a fair debate on cleaning up our campaign finance system. Instead,'' he said, ''instead the leadership is using a parliamentary maneuver that grossly limits debate and prevents any amendments from being offered.''

Well, Mr. Speaker, we are not. We are using a normal procedure to allow any amendment being offered, and now he is offended by that. I wish he would make up his mind.

Mr. Speaker, I point out to the gentleman from Texas (Mr. FROST) when he said the White House has never said they violated any campaign laws that, no, I know that. They have never admitted to anything they have done, nor will they.

But the fact of the matter is, the President did say on tape, with his face showing on the tape, that ''We discovered we could raise gobs of money in 50- to $100,000 chunks through this loophole in the law and put it on the air.'' Now, when a candidate spends over the $70 million money that the taxpayers give him is illegal on its face.

Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, I really do not understand why the other side would be so surprised that there are so many amendments being offered on these bills. When we have bills that so blatantly trample on constitutional rights, I think those of us on the other side have an obligation to introduce amendments to try to prevent that from happening.

Justice Holmes in a case of *Abrams* v. *U.S.*, 1919, in speaking about political campaigns, said that ''The ultimate good desired is better reached by free trade in ideas; that the best test of truth is the power of the thought to get itself accepted in the competition of the marketplace.''

Most of these bills introduced drastically diminish the rights and opportunities for individuals who are not candidates to participate in the political system. I have heard some on the other side today say we have to reform the way the candidates receive their money, and yet these bills do not talk about the way candidates receive their money. It talks about the way other people who are not involved in the political system spend their money.

Then we hear so much about special interest. And I have asked many of them what is a special interest, and I never do get an answer. But I finally have come to the conclusion that if someone does not like someone else's views, then that is a special interest. But if they like the views that are talking about, then they are probably good and wise public advocates.

Then we also hear about we have got to know who runs these ads. If we look at these ads on television or radio, there are disclaimers that say who paid for them.

The minority leader recently introduced a constitutional amendment saying we have to change the Constitution if we are going to pass some of these bills. And yet when it came up for a floor vote, only 29 Members voted for it. Yet despite that, some of our colleagues still want a restrictive rule to aid and abet their tampering with our cherished First Amendment rights.

On a subject matter this important, the American people deserve the opportunity to listen to all sides of the debate, even if it is 400 amendments. So what are they afraid of? They are afraid that an open debate will reveal that Federal courts and the Supreme Court have consistently struck down FEC regulations that diminish the speech-crushing provisions of the legislation they are bringing to the floor.

They are also afraid that the American people will realize that their proposal does not address the abuses which occurred during the Clinton-Gore scramble for cash in the 1996 elections. They do not address fund-raising in Buddhist temples. They do not address banning fund-raising in the Lincoln bedroom. They do not address banning making phone calls from the White House. So that is why we need this open rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I take money from working people in this country for my campaign, from teachers, carpenters, electricians, nurses, and I am proud of those dollars from those folks.

Mr. Speaker, I tell my colleagues what I do not do. I do not take tobacco dollars and I do not try to kill tobacco legislation because I am in the pocket of the tobacco companies.

But I will tell my colleagues who is. Today's Washington Post: ''GOP Kills McCain Tobacco Bill. The bill's demise was a victory for the Nation's leading cigarette makers who have spent millions lobbying against it, in addition to making substantial contributions to the Republican Party.''

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman will state his point of order.

Mr. LINDER. Mr. Speaker, I would like to inquire as to whether it is in order for the gentlewoman from Connecticut (Ms. DELAURO) to be talking about another subject when we are talking about this rule.

The SPEAKER pro tempore. The debate should be focused.

Ms. DELAURO. Mr. Speaker, this is the campaign finance rule, as I understand.

The SPEAKER pro tempore. The debate must be relevant to the rule.

Ms. DELAURO. Mr. Speaker, campaign finance is relevant to the campaign finance rule.

Mr. Speaker, take a look at the amount of money that tobacco companies have provided to the Republican committees in 1996: $4.5 million. Now, if they want to tell us that they do not hold up legislation because of the money they take from the tobacco lobby, just listen to the words of one of their own.

□ 1600

Linda Smith from Washington State, Wall Street Journal, 2 days ago, she says that she discovered that it was commonplace for the GOP majority to hold up action on bills while milking interested contributors for more campaign contributions. I said, we do that? Is that not extortion?

Let me just say, the America public is very clear on what our Republican colleagues are doing. They have put up this rule which has 258, and it may be 270 according to the gentleman from Colorado, amendments that do not have anything to do and are nongermane to the issue of campaign finance reform.

Americans are not fooled. The New York Times calls their tactics ''death by amendment,'' a filibuster in disguise. The Los Angeles Times calls it a ''dirty ploy.'' Even Republicans admit that they are selling snake oil. The gentleman from Illinois (Mr. LAHOOD) has said, we tried squelching it; now we are going to try talking it to death.

Oppose this rule. Let us have meaningful campaign finance reform.

Mr. LINDER. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding to me. I wish the gentlewoman from Connecticut would have yielded to me, because I wanted to ask a question.

It is all well and good to point out the contributions; and I appreciate the contributions, although her side claims all these contributions are corrupt. She failed to point out that Ted Sioeng that sells Red Pagoda cigarettes, Chinese cigarettes, gave money to her party and to the President of the United States when he was running for reelection. A little vignette that she failed to bring up.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, last night we had an opportunity to pass real campaign finance reform; and for the fourth time, the GOP leadership pulled it out from beneath us. I am beginning to feel a little bit like Charlie Brown running to kick the ball. Just as he is about to approach the ball, Lucy moves it.

The truth of the matter is, the GOP House leadership knows that if a real campaign finance bill hits the floor, it just might pass, and that scares them, and that is the reason that we have this convoluted rule, 258 nongermane amendments put in order.

In my entire congressional career, I have had maybe four amendments accepted by the Committee on Rules. Yet, this time, they have accepted 25 on this one issue alone, 25 of my own amendments.

To put it in perspective, in the last Congress, in the second session of the last Congress, 150 amendments were ruled in order. Yet, on this one bill, there are 258 amendments ruled. Rules are meant to guide the Congress toward a decision, not to delay. Vote against the rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, leadership is about getting results. This rule that we are about to vote on ensures no leadership. It ensures a lot of talk, but no results. Campaign finance reform is complicated because we have to reform all of the law; we have to do the whole system.

It is ironic that I just heard the GOP leadership get up and say, we do not want to change the law, we just want to have a debate on a few amendments. Yet, yesterday, when my colleagues proposed to the House how we are going to deal with the complicated tax reform, their solution was to throw the whole thing out.

Today, we need to overhaul the system, but we do not have to do it by addressing 258 amendments. We need to have leadership that we have seen this House have before.

Let me show my colleagues what the history of this House is. In the 101st Congress, 1989 and 1990, H.R. 5400 was introduced by our colleague, Al Swift. It went through the House by a vote of 255 to 155. Fifteen Republicans voted yes. The bill was adopted in the Senate.

The 102nd Congress, 1991 and 1992, H.R. 3750 by the gentleman from Connecticut (Mr. GEJDENSON), voted off this floor, passed the House by 273 votes to 156 votes. That bill went on to conference and ended up going to President Bush on May 5, and he vetoed the bill. That bill did everything that all of these amendments are talking about, that all of this debate is talking about. We do not even have that bill as one of the major bills this time.

The 103rd Congress back in 1993–1994, when most of us came here, this passed the House in November 1993 by a vote of 255 to 175, another bill by the gentleman from Connecticut (Mr. GEJDENSON).

The point is that leadership is about getting results. Results are about getting a bill out of this House and a bill that is comprehensive, just like the bills that my colleagues were talking about yesterday for tax reform.

Defeat this rule, bring a substantive bill up, and let us pass that.

Mr. LINDER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I thank the gentleman from Georgia for yielding to me.

Mr. Speaker, I want to associate myself with the remarks of the gentleman from Kentucky (Mr. WHITFIELD) just a few moments ago and to agree that when we have a proposal of this magnitude, it deserves a lot of discussion. When we have a bill that has such chilling potential limits on free speech and free expression that even the ACLU is horrified by its prospects, then the American people need to have a full and open debate about this issue; and that is what this rule provides.

Several weeks ago, the Committee on Rules passed a rule which outlined the debate for this proposal. It provided for 11 substitutes to the freshman bill. These substitutes include ideas offered by the gentleman from Wisconsin (Mr. OBEY), the gentleman from Massachusetts (Mr. TIERNEY), the gentleman from California (Mr. FARR), and others.

Today, this rule provides for even further important amendments which we believe will improve the proposals. But some of my friends on the other side of the aisle want to quash this debate. The minority leader has said that he will raise Holy Ned in order to defeat this rule.

This should not be about grandstanding. This is about passing a meaningful campaign finance proposal that provides for full and open disclosure. Let's always come back to that—full and open disclosure. Let's let the sunshine in and let the American people decide.

Day after day, my colleagues on the other side of the aisle complain about what they perceive as a stifling of their free speech rights when the Committee on Rules brings anything less than an open rule. What do we hear today? We hear complaints about too much debate. Either they want a free and open dialogue or they want to drive these unconstitutional proposals through this body with little debate. They cannot have it both ways.

The same free speech I am trying to protect today allows Members of the House to come before the people and debate subjects free from government restriction. I look forward to this discourse and believe the American people will not drive a hole through the First Amendment.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Georgia (Mr. LINDER) has 6½ minutes remaining.

The gentleman from Texas (Mr. FROST) has 8½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MILLER).

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, we will vote on this rule shortly. This rule is designed to delay, continue the delay, and to destroy the ability to have campaign finance reform. It has been said here often that it is death by amendment. That is what is seeking to be done here.

I would hope we would reject this amendment. I would hope we would get on with the debate on the Shays-Meehan bill and the people would keep their eye on the ball.

We all understand exactly where we are today. We are in the middle of a system that the public has lost confidence in. We are in the middle of a campaign financing system in this House and the Senate and many other governmental bodies that is corroding the basis on which we make decisions.

We now see, after taking millions of dollars from the tobacco industry, the Senate kills the tobacco bill. We now see a Member from the State of Washington (Mrs. SMITH) saying that she has witnessed the people extorting or holding back legislation until they can continue to raise money. That is what is taking place. This leadership does not make any decisions until they calculate how in fact the money is taken. Money is considered in the presentation of bills, presentation of amendments.

The design here was, the Speaker shook hands with the President 3 years ago, and now we find ourselves, renounced by the minority leader, that by the August break, we will finish consideration and they will have accomplished their purpose, because they recognize that that leaves little or no time for the Senate to act on this legislation should we pass it.

So they have now kicked us into a new cycle of campaign financing where we see time and again the special interests just larding up Members of Congress, our committees, our campaign committees, the national committees of both parties.

We spend more and more money every year, and fewer and fewer people vote. If Coca-Cola did this, they would throw their board of directors out. If General Motors did this, they would throw their board of directors out. They would ask, what is wrong? What have we done?

We have chased people away from the campaigns. We have chased them away from participation in democracy.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I am proud to be a cosponsor of the freshman bipartisan bill, which is the underlying bill for this debate. I think it is a fair and a balanced approach, and I am eager to debate it.

I think people are starving for debate on this issue for the right reasons, not to divert attention from scandals, not for election year politics, not to give either party an advantage. I am excited about this debate, and I appreciate the leadership bringing this issue to the floor.

I do not share the concern about 258 amendments. I just finished serving in the Texas Legislature. When we would rewrite important parts of our law such as rewriting public education code, we would routinely have 400 amendments, because we had 400 good ideas and different ideas about what education needs to be. We worked through those amendments. We worked through the days. We worked through the nights. We finished with a good product.

I have found our colleagues have a lot of good ideas on how to reform campaign finance in America, and I want to hear them. I know that some of them, I disagree with. Some give parties an advantage rather than campaign finance reform. But rather than have either party select those amendments in the back rooms, I think they ought to be out front for America to debate, to hear, and to judge, and for the will of the House to prevail with the deadline in place for commitment to finish this bill and finish this debate.

I support this rule and welcome open, honest debate.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 6½ minutes remaining. The gentleman from Georgia (Mr. LINDER) has 5 minutes remaining.

Mr. LINDER. Mr. Speaker, does the gentleman from Texas have any more speakers?

Mr. FROST. Mr. Speaker, we have speakers, but they are not present on the floor at this moment, so I would ask the gentleman to proceed.

Mr. LINDER. Mr. Speaker, I would suggest to the gentleman from Texas that he close the debate, because I am prepared to.

Mr. FROST. Mr. Speaker, I am not prepared at this point to yield back the balance of our time. The minority leader is en route to the chamber, and he obviously wants to take part in this debate, and he should be given that opportunity.

I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, the Chair is going to have to determine whether he wants to recess, because we are ready to close the debate.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

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

Mr. GEPHARDT. Mr. Speaker, I urge Members to vote against this rule. As I said yesterday on the floor, I think the American people want us to get campaign reform, and they want us to get it in a timely manner so that it can actually get through the rest of the process here in the House, get through the Senate, become a law, and be able to go to the President's desk.

This rule is simply designed to increase the amount of time that we will spend. It is part, I think, of an effort to talk the bill to death. We have all the ability we need to have amendments to all of these different proposals that are germane to these proposals.

If we had a procedure here regularly that said nongermane amendments should be brought, that would be the rules of the House. Those are not the rules of the House. There is no earthly explanation for this rule at this time other than to delay the processing of this bill.

I think there is a bipartisan majority in this house for the Shays-Meehan bill; that is my sense, a bipartisan, bipartisan majority in this House for the Shays-Meehan bill. The only explanation anybody can give for voting for this rule is that they want it to delay this process so that this bill cannot become law this year.

This is not the right thing for the House to do. The American people want and demand a big first step in campaign reform. The Shays-Meehan bill is that.

I commend, again, the Members in the Republican Party who have worked so hard and long to get Shays-Meehan through this House. I commend the Members on our side. This is one of the rare moments maybe in this 2-year period that we have a real bipartisan effort of coming together to solve a major problem that faces the American society. Let us get it done.

Vote against this rule. Let us keep moving. We could have a vote on Shays-Meehan yet this week and get the bill back over to the Senate and get it to the President's desk. Let us vote today for campaign reform. Let us vote against this rule.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge Members to vote ''no'' on ordering the previous question. If the previous question is defeated, I will offer an amendment to the rule that will place a reasonable timeframe on consideration of campaign finance reform.

□ 1615

Vote ''no'' on the previous question.

Mr. Speaker, I submit the following extraneous material for the RECORD:

PREVIOUS QUESTION FOR H. RES. 458-CAMPAIGN FINANCE REFORM

Strike all after the resolving clause and insert the following:

Resolved, That during further consideration of the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, in the Committee of the Whole House on the state of the Union pursuant to House

Resolution 442, each amendment in the nature of a substitute specified in House Report 105–545 shall not be subject to amendment except as specified in section 2 of this resolution.

Sec. 2. (a) It shall be in order to consider the amendment numbered 30 in House Report 105–567 to the amendment in the nature of a substitute numbered 13 by Representative Shays of Connecticut if offered by Representative Maloney of New York or Representative Dingell of Michigan. All points of order against that amendment are waived.

(b) After disposition of the amendments in the nature of a substitute described in the first section of this resolution, the provisions of the bill, or the provisions of the bill as perfected by an amendment in the nature of a substitute finally adopted, shall be considered as an original bill for the purpose of further amendment under the five-minute rule for a period not to exceed 10 hours. Subject to subsection (c) no other amendment to the bill shall be in order except amendments printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII.

(c) It shall not be in order to consider an amendment under subsection (b) carrying a tax or tariff measure. Consideration of each amendment, and amendments thereto, described in subsection (b) shall not exceed one hour.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Members who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues:

Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. Speaker, I would further observe the irony of the back-to-back considerations yesterday and today on the floor of this House. I handled the rule yesterday on the question of abolishing the Internal Revenue Code. The majority gave us 1 hour of debate on the question of abolishing the Internal Revenue Code. Now they want to give us 7 weeks of debate on campaign finance reform.

It is obvious the majority does not want to pass campaign finance reform. It is obvious they wanted to pass the bill yesterday abolishing the IRS code. Let us not play games. Let us not pretend that something is happening that is not happening. This is not a procedure that is designed to pass legislation. This is a procedure that is designed to slowly bleed legislation to death. This is a procedure that will take the next 7 weeks with 258 nongermane amendments on top of all the amendments that are germane. This is not a serious procedure and no one should pretend that it is.

There are legitimate differences on what ought to be in campaign finance reform, but the other side has concocted a procedure that they now say will take us until August 7. Now, we have to do all the appropriation bills between that time and now. And if we get to August 7 and this still has not passed and still has not been concluded, then the other side is going to tell us, oh, we have all these Members that have travel plans, we have all these Members that want to go on junkets, get on airplanes and start their vacation, so we just have to let this thing slide on until September. And if it slides until September, then it may get lost as we are doing the continuing resolution and the supplemental appropriation and all those matters.

This is not a serious procedure. My friend the gentleman from Texas (Mr. DELAY) and my friend the gentleman from Georgia (Mr. LINDER) are not serious about this. We all understand that. They say this with a smile on their face. And there is a good reason why there is a smile on their face, because their hands are ''like this'' behind their back. They do not want this matter to be concluded. And I understand why they do not want it to be concluded. I have some differences of opinion with some of these proposals. But I want to see this brought to a final vote in an orderly way. It is the least we can do for the American public.

Mr. Speaker, we should defeat the previous question. Let us bring order to this. Let us not spend the next 7 weeks debating this legislation, and then maybe we get at the end of the 7 weeks and everybody has to get on an airplane and we cannot quite finish. Vote ''no'' on the previous question. Let us have a reasonable rule and let us get on to a final vote on campaign finance reform.

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

Mr. LINDER. Mr. Speaker, I yield myself the balance of my time.

This entire debate defies credulity. We have Members releasing press releases in March castigating the Republican majority for closing the rule on debate, and then getting a totally open rule and standing up here opposing the rule because it is too open and allows too many people to make too many amendments.

We had the gentleman from Texas talking about concocting a procedure. Concocting a procedure. This is an open rule. This just says that anyone who has an amendment may be allowed to offer it. This debate begins with the gentleman from Michigan, the minority whip, saying the money spigots are open. The money spigots are open and will remain open under every one of these proposals being debated, because none of them touches the money that unions spend on elections, 99 percent of which goes to Democrats.

A Rutgers University study in the last cycle said that the labor unions spent between $300 and $500 million on politics. That is more money than is spent by the Republican and Democrat parties combined. But they do not want to touch it. That is money that is forcibly taken from the members and spent on candidates that the members may not support.

They do not want to change that. That is money that is not even recorded or reported. They do not want to change that. No, they want to stop money from legal companies or corporations where their shareholders can sell their stock if they do not like what the corporation does. The union member has trouble leaving the union and getting a job. No, those money spigots will remain open because none of these bills touches labor union monies, because that all goes to Democrats.

We then heard from the gentlewoman from Connecticut who wanted to discuss the tobacco issue. I hope she did not embarrass the gentleman from Texas (Mr. FROST), because he took

$16,000 in tobacco money in the last several years. But at least he took legal tobacco money from legal American corporations. It appears that the only tobacco money that the gentlewoman from Connecticut appreciates is illegal tobacco money from China, because we know that Ted Sieong, the largest distributor of Chinese cigarettes, or of cigarettes, Red Pagoda, gave huge sums, hundreds of thousands of dollars, to the Democrat party, to the Presidential campaign.

And when we seek to ask him about it, to see if current laws are being violated, if there is current breaking of current laws, the Democrats on the Committee on Government Reform and Oversight march in lockstep, 19 of them, to say, no, we do not want this testimony, we do not want the American people to hear, we do not want any of these people investigated.

We now have 94 people who are under suspicion for illegal activities in campaign fund-raising and campaign contributions who have either left the country, taken the Fifth Amendment, or refused to testify. And when the committee sought to subpoena them, those 19 Democrats marched in lockstep to say, no, we will not allow their testimony to be heard, we will not allow the American people to understand what laws have already been broken.

We know what laws were broken. The gentleman from Texas said that the White House has not admitted to breaking any laws. The White House does not admit to anything. The fact of the matter is this White House has been accused of a lot of things, and at no point did they say they did not do it. They said it has not been proven. They said they have not been charged, there is no evidence, but they do not deny.

And the President himself said on tape, we found a loophole. We used, yes, this bad soft money that they want to abolish. The President used it. And he put it on the air. And he, according to his words, improved his standing in the polls using large sums of soft money illegally.

When the President, when the Presidential candidates take $70 million from the taxpayers, they also are bound by the Federal laws not to spend a penny more. That is precisely what happened with Bob Dole. This President spent that, and what he admits to is $44 million more. No, he has not admitted to doing wrong in front of the public, only on a tape. Only on a videotape.

There is a problem with our campaign finance laws. We have two systems, a Presidential system, where they get $70 million from the taxpayers, report all their spending and spend no more; and we have the congressional system, where we report everything. The Presidential system is one that was broken, and that is not the one being addressed here today.

I urge my colleagues to defeat the previous question and support this rule to get on with the debate.

Mr. DAVIS of Florida. Mr. Speaker, I rise in opposition to this second rule on campaign finance reform. I think it is ridiculous that we are spending this time debating a rule when we could be spending this time debating the merits of the issue—meaningful campaign finance reform and a ban on soft money.

The rule we are currently debating makes in order an unprecedented 258 NON-GERMANE amendments. Amendments that do not relate to the underlying Substitute Amendment. We do not need this rule.

The House has already approved a rule governing debate that provides for a fair and open debate. That rule allows the consideration of an unlimited number of germane amendments. That means, Mr. Speaker, that the amendments offered must relate to the underlying Substitute Amendment. That is a fair process.

This new rule and the huge number of amendments in makes in order is unnecessary. In my opinion, it is also designed to prevent this House from ever completing consideration of campaign finance reform.

Earlier this year, I opposed the Leadership's efforts to limit the debate on this very important issue by bringing up bills under Suspension of the Rules thus prohibiting members from offering amendments. The Leadership responded to member defeat of that proposal by bringing forth a rule which made Bipartisan Campaign Integrity Act (the so-called Freshmen Bill) in order. That rule also made 11 substitute amendments and unlimited germane amendments in order. This Mr. Speaker is a fair and open process, and we already have that rule.

The Rule before us now is not a fair process because it allows non-germane amendments. An outrageous number of them at that.

Mr. Speaker, I urge my colleague to defeat this Rule. Let's put these delay tactics behind us and get on with the real business at hand—meaningful campaign finance reform.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. CALVERT). The question is on ordering the previous question.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 194, not voting 18, as follows:

[Roll No. 246]

YEAS—221

Aderholt
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)

Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—18

Archer
Armey
Becerra
Clayton
Cooksey
Gonzalez
Green
Gutknecht
Hastings (FL)
Lewis (GA)
Martinez
McNulty
Parker
Strickland
Sununu
Torres
Towns
Weldon (FL)

☐ 1643

Messrs. OBEY, HILLIARD and STOKES changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the resolution.

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

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 189, not voting 23, as follows:

[Roll No. 247]

AYES—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—189

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—23

Clayton
Cooksey
Danner
Dunn
Gekas
Gonzalez
Green
Gutknecht
Hastings (FL)
Jenkins
Lewis (GA)
Lewis (KY)
Martinez
McNulty
Mink
Parker
Portman
Regula
Schumer
Sununu
Torres
Towns
Weldon (FL)

☐ 1652

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2183.

☐ 1654

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. CALVERT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, June 17, 1998, the amendment by the gentleman from Washington (Mr. WHITE) and printed in the CONGRESSIONAL RECORD as amendment No. 16 had been disposed of.

It is now in order to debate the subject matter of the amendment printed in the CONGRESSIONAL RECORD as No. 13.

Pursuant to House Resolution 442, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts (Mr. MEEHAN) be allowed to control half of the time. To my understanding that would be 15 minutes; is that correct?

The CHAIRMAN pro tempore. The gentleman is correct.

Without objection, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) each will control 15 minutes.

There was no objection.

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

Mr. Chairman, it is a distinct honor to present before this Chamber the Meehan-Shays amendment in the nature of a substitute to H.R. 2183.

This substitute provides a soft money ban on both the Federal and State levels for Federal elections; it recognizes that sham issue ads are truly campaign ads and treats them as campaign ads; it codifies the Beck decision; it improves FEC disclosure and enforcement; it provides that unsolicited franked mass mailings be banned 6 months to an election; and it requires that foreign money and money raised on government property is illegal.

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

The CHAIRMAN pro tempore. Does any Member rise in opposition?

Mr. THOMAS. Mr. Chairman, I rise in opposition.

The CHAIRMAN pro tempore. Is the gentleman opposed to the amendment?

Mr. THOMAS. I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 30 minutes.

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

Mr. Chairman, first of all, I am pleased that we have begun the process. As part of the structure around here, to be able to get time, you have to be in favor of or opposed to. The fact of the matter is, given the time that I have been involved, which is now two decades, in working on campaign reform, I am frankly, on every one of these bills opposed in part and supportive in part, and I will participate extensively in this process.

My goal will be to try to create an orderly process, one that is comprehensible and in which, to the extent possible, we create periods of time in which what we do is comprehensible to the folk outside as well as those of us who are carrying on the debate.

□ 1700

As the chairman of the committee that has jurisdiction, as I said, I have mixed feelings on a number of these bills because we have been wrestling with the way in which the system might be changed for some time.

What I want to do at the beginning of this debate is to set a tone, not on this particular bill, but on most of the bills that we will be looking at in a general sense because frankly the shadow of the Supreme Court is over us in the process of discussing campaign reform. It is over us because the Court has repeatedly said that the First Amendment is vital and critical, and where Congress steps over the line the Court will correct Congress in making sure that fundamental First Amendment freedoms of expression and assembly are maintained.

But the Court stands over us in another way, because after the Court said that, all I want to know, how come the Court is able to say that. We have three clear independent branches in the Constitution, and nowhere in the Constitution does it say that the Court can tell Congress that what it did was unconstitutional. Nowhere am I aware that the oath of office taken by Members of Congress is somehow inferior to the oath that members of the Supreme Court take.

Now obviously the answer is historically the Supreme Court usurped that power, and it has never been taken away, and so they have the power of judicial review whether it is in the Constitution or not.

But because of the ability of the Court to tell the Congress that, ''Perhaps in part you were constitutional and in part you were unconstitutional,'' it creates a dilemma for us as we debate change in campaign finance laws and the manner in which we conduct our elections.

Mr. Chairman, what I have in front of me is a chart to illustrate the way in which the current law is in fact a product of the Supreme Court. It is not a product of Congress. If my colleagues look at the original Federal Election Campaign Act, there were a number of areas where the Congress acted comprehensively, as we are attempting to do now on a number of these bills. It not only dealt with individual contributions limits, it dealt with spending limits for elections. Congress passed a limit per election. Congress passed a limit on independent expenditures per election. Independent expenditures will come up time and again, both in substitutes, and in amendments being treated in a number of different ways. For those of my colleagues who have not been involved in this process as extensively as some of us, understand that back in the early 1970s the Court said, ''Notwithstanding Congress' desire, it's overturned.''

If my colleagues look down here in terms of limit on candidates' personal funds, we talk about millionaire candidates and how we have to deal with that. Congress dealt with that, but the Court overturned that portion. And in fact the original structure of the Federal Election Commission was overturned by the Court as well.

My point is that for the last quarter of a century we have been dealing with a law which was not the way the Congress created it. The congressional package was far more comprehensive and rounded, notwithstanding the fact that the Court said portions of it were unconstitutional. Many of the problems we have wrestled with find their basis in the Court picking and choosing a comprehensive plan and not allowing a comprehensive plan to go forward.

A lot of the debate over these substitutes over the next several weeks and even perhaps months will be about how our plan deals with the problem in a comprehensive way. What I am here to tell my colleagues is that if someone tells them their plan deals with the problem in a comprehensive way, but it has a severability clause, it ''ain't'' going to be comprehensive in all likelihood. It means we will turn the clock back, we will send this legislation out into the world, and in the process of its examination the Court will overturn portions of various bills, and we will be living with a makeshift structure.

We have done that, Mr. Chairman, for the last 25 years. Let us not create the opportunity for doing it again.

And that is why on this particular bill, because it contains a severability clause, and on every comprehensive substitute which contains a severability clause, or is silent, because the Court, if it is silent, can go ahead and chop it up the way it wants to, will offer an amendment which will say that the comprehensive package that the Congress offers stands or falls as a structure.

Now this is not an attempt to destroy the process. It is an attempt to retain Congress' ability to define what the law is. Notwithstanding bipartisan efforts over the last quarter of a century, we have not been able to make adjustments that my colleagues would think would be reasonable and prudent. The Court made its adjustments. We were never able to come back and make ours.

Now what happens if the Court strikes down one of these provisions when there is no severability? Well, we are back here rewriting. But I think that is a far better position to be in than to leave the final product up to the United States Supreme Court.

And so I will offer a severability clause, and I am pleased to tell my colleagues that in a July 1997 publication by the gentleman from Massachusetts (Mr. MEEHAN), notwithstanding the fact that it was in reference to the comment of the gentleman from Texas (Mr. FROST) about a severability clause, and the gentleman from Texas joins me in this effort, I might mention, talked about the advantages of not having severability.

And so, as we begin this process, I want to focus our attention on whatever product it is that Congress generates. If we believe strongly enough, and if the House works its will, we ought to believe strongly enough to make sure that the Court does not get to write the law in the final process. The only way we can guarantee that is to make sure there is no severability clause.

And, as I said, I propose to offer an amendment to each of the major substitutes that has as a provision severability. It is not good. It lets the Supreme Court control us. It lets the Supreme Court write the law as it has done for the last 25 years.

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

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise in strong support of the Shays-Meehan substitute, and I want to commend my colleague, the gentleman from my home State of Connecticut (Mr. SHAYS) and the gentleman from the neighboring State of Massachusetts (Mr. MEEHAN) for their bipartisan effort to introduce meaningful finance reform here today. No less than the integrity of our election system and the confidence of the American people and their elected officials is at stake here today. Passage of the Shays-Meehan bill will begin to correct the abuses of the current system of financing political campaigns.

The issue is clear, Mr. Chairman. One is either for the Shays-Meehan or against it. Opponents will try and muddy the debate with nongermane amendments. We must remain focused, and we must not be diverted by these amendments. After months of delay it is finally time for action.

Again may I congratulate my colleagues the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for their perseverance, for their commitment in bringing this vital piece of legislation to the floor.

Vote no on diversionary amendments and yes on a clean Shays-Meehan.

Mr. SHAYS. Mr. Chairman I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I too rise today in support of the Shays-Meehan substitute to H.R. 2183, the Bipartisan Campaign Integrity Act.

The 1996 presidential campaign has made it unmistakably clear that our election system needs to be reformed. In fact, recent studies and polls indicate that the American public is cynical about our current system of campaign finance. Many believe that the size of the donation is directly related to the amount of access to power. Nonetheless, it has been a long and difficult fight to bring an open legitimate campaign finance debate to the House floor.

In fact, a couple of months ago the future of campaign finance reform was looking very dim. There was a possibility that a real campaign finance reform debate might not have occurred at all.

While the fight to bring in debate to the floor is almost over, the fight to see reform signed into law has just begun. Reformers who want to see changes signed into law must rally around one bill that has the best chance of passing. That bill is a Shays-Meehan substitute which has received strong bipartisan support.

I do not have time to go through all the things that it does, but banning soft money, dealing with the whole issue of redefining issue advocacy laws and, of course, leveling the playing field with wealthy candidates are important steps that need to be looked after.

This bill is not only supported by bipartisan Members in both the House and the Senate, but also by outside groups who represent the will of the American people in this area. It has been endorsed by 35 nonpartisan interest groups, including Common Cause, Public Citizen and the League of Women Voters. Furthermore, the Shays-Meehan substitute is also supported by the Boston Globe, the Los Angeles Times, the New York Times and the Washington Post, some of our more thoughtful newspapers.

As the debate unfolds, my colleagues will see every stop pulled, every method tried and every tactic used by those who oppose real campaign finance reform. One strategy will be to drag out this debate by offering an endless number of amendments until Members lose interest and the public demands that Congress focus on other issues of national priority. Reformers must remember that these tactics are strategies used by those who would defeat campaign finance reform by diverting attention.

Support this legislation. It is the only way to go.

Mr. THOMAS. Mr. Chairman, I yield an initial 7 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, we are finally here, and I rise in strong opposition, unless my colleagues are surprised, to Shays-Meehan and their bill.

Last week this House defeated a constitutional amendment that was authored by the minority leader, the gentleman from Missouri (Mr. GEPHARDT) that would allow Congress to limit spending for the first time. He got 29 votes. Fifty-one Members of this House voted present, and I do not know about other Members, but I did not come here to vote present. I came here to vote yes or no, to do the people's business.

But there is a lot of shenanigans going on, and all the shenanigans can be put aside because now we are into the meat of the issue.

Now the author of the constitutional amendment, the gentleman from Missouri (Mr. GEPHARDT), said the amendment was necessary because neither Congress or the States have any constitutional authority to limit expenditures, independent issue advocacy or uncoordinated. The current explosion in third-party spending is simply beyond our ability to legislate. This is what the minority leader has said, yet Shays-Meehan does just that. It attempts to legislate control of political spending and political speech, spending and speech that we are told by the minority leader was constitutionally beyond our reach to legislate.

Now the Shays-Meehan bill is nothing short of an attempt to gut the First Amendment in my opinion. It is nothing short than an effort to prohibit our constituents from knowing where we stand on the issues.

Like most of these campaign reform bills, those bills passed by the Democrat majority over the last few years, the Shays-Meehan bill is incumbent protection. It gives the advantage always to the incumbents.

Now what does the Shays-Meehan bill do? Well, the Shays-Meehan bill bans scorecards. That is right, those voter guides that are passed out in churches and in union halls that track how the incumbents vote on critical issues would be subject to a regulation by the speech police and the bureaucrats of the Federal Election Commission.

Shays-Meehan also places a gag rule, a gag rule, on independent expenditures and the ability of citizens to criticize incumbent politicians, a gag rule that the gentleman from Massachusetts (Mr. FRANK) and the minority leader told us that was not permissible in a free society.

And the worst legislative assault that comes in Shays-Meehan attempts to shut down discussion on issues in this country. Mr. Chairman, this bill brings us back to the days when a person placing an ad in a newspaper criticizing the President was hauled into court by the Justice Department. This actually happened in four separate places.

The Shays-Meehan bill would regulate speech even if it avoids the constitutional standard of express advocacy. No one even mentioning the name of a politician can feel safe that he might not have violated a federal law.

□ 1715

That is what is in this bill.

Now, the final attack on freedom in this bill comes in the form of severe government restrictions on the use of soft money by political parties and other organizations, money that is used to get out the vote activities, voter registration, issue advocacy; that is what the soft money is that is so maligned on this floor. The bill also federalizes for the first time State election law.

I want Members on this side of the aisle to listen to this. This bill federalizes State election law.

Now, finally, this bill does nothing about the millions of dollars of forced union dues taken from working people every year and used for political causes they may oppose. Sure, the bill does have a provision that is pretending to enforce the Beck decision, but to take advantage of the Beck decision, workers would have to resign from the union, resign from the union and give up their rights to vote on collective bargaining agreements and other important workplace matters.

So, Mr. Chairman, we have been down this road before. In the early 1970s, the minority has bragged, after passage of a campaign reform bill, the Nixon administration brought a group of dissidents into court for putting an ad in the New York Times calling for the impeachment of the President. What was the charge? The ads were a ''sham'' and violated campaign laws.

Well, my friends, issue speech, sham or otherwise, cannot be regulated. The Buckley court anticipated these arguments when it said, and I quote,

> It would naively underestimate the ingenuity and resourcefulness of persons and groups, designed to buy influence, to believe that they would have much difficulty devising expenditures that skirted the restriction on express advocacy or election or defeat, but nevertheless benefited the candidate's campaign.

Those who would regulate campaign speech hope, and it is a desperate hope, that the Supreme Court will look at 20 years of election activity since Buckley v. Valeo and decide things differently. But it is more likely that the court will go just the other way, toward my view and those who think that the First Amendment is America's premier political reform, not the Federal Election Campaign Act of 1974.

Mr. Chairman, I would just remind my friends to look around them, just look around. In the past month, in the last 30 days, four, that is right, four Federal courts have struck down campaign speech laws similar to those contained in this bill. Four.

Now, the Supreme Court was emphatic in Buckley that issue advocacy and political speech was at the very core of the First Amendment. To regulate it in any way is simply unconstitutional and, more importantly, it is wrong.

The true issue here is speech, I say to my colleagues. Will we vote to prevent union members or churchgoers to give information on how an incumbent votes on raising the minimum wage or banning partial-birth abortion? Well, Shays-Meehan does this. Would one vote to gag a citizens' group from buying an advertisement criticizing a Member of Congress? Shays-Meehan does that. Would one vote to blur the line of freedom of the Supreme Court that allows a speech with review by the speech police at the Federal Election Commission? Well, Shays-Meehan does that.

I ask that we oppose Shays-Meehan and let our constituents speak.

Mr. MEEHAN. Mr. Chairman, I yield myself 20 seconds to say that the date that those statements were made by the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Missouri (Mr. GEPHARDT) was February 7, 1997. The Shays-Meehan bill that we are debating today was not even written, nor filed, until March 19, 1998.

Mr. Chairman, before we get into a lengthy debate over the First Amendment implications of spending limits, let me make one thing perfectly clear. The Shays-Meehan bill does not include spending limits.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN) who has worked so closely with us on this bill.

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

Mr. LEVIN. Mr. Chairman, I would like to respond to the gentleman from Texas (Mr. DELAY), the majority whip.

The Shays-Meehan bill does not gag speech any more than our present limitation on independent expenditures upheld by the court gags. Right now, if somebody comes in with an ad that says, defeat so-and-so, they have to come within the structures set up by Congress. There are limits on what can be contributed, and there are requirements for disclosure.

The question is, if the magic words, which really are not magical, ''elect'' or ''defeat'' are not used, should the ad be immune from any limitation as to amount or any disclosure? That is what we are talking about.

What Shays-Meehan says is that we should not provide this loophole. When Buckley was decided, there were not these barrages, these bombardments of so-called issue ads. In the last few years we have had them in torrents. And what the majority is saying is, or some of the majority, is that they want those to go on without any regulation at all.

Now, this is not, therefore, an issue of gagging any more than Buckley gagged free speech. It did not. It balanced our needs for free speech, and I love the First Amendment and voted against efforts a few days ago to undermine it.

The question is, how do we apply it to today's politics? In the decision in the Ninth Circuit, FEC v. Fergatch, here is what the court said.

> We begin with the proposition that express advocacy is not strictly limited to communications using certain key phrases. The short list of words included in the Supreme Court's opinion in Buckley does not exhaust the capacity of the English language to expressly advocate the election or defeat of a candidate. A test requiring the magic words, ''elect,'' ''support,'' or their nearly perfect synonyms for a finding of express advocacy would preserve the First Amendment right of unfettered expression only at the expense of eviscerating the Federal Election Campaign Act.

What Shays-Meehan tries to do is to protect, to preserve the thrust of that act, and not have the public swamped by undisclosed, unlimited expenditures, especially the last 2 months of a campaign.

Those who are raising the First Amendment are essentially trying to kill campaign reform. They are really hiding behind the First Amendment. They often do not support the First Amendment in other instances.

So I strongly urge support for Shays-Meehan.

Mr. SHAYS. Mr. Chairman, could the Chair inform me as to the time on each side?

The CHAIRMAN. The gentleman from Connecticut (Mr. SHAYS) has 12 minutes; the gentleman from Massachusetts (Mr. MEEHAN) has 10 and three-quarters minutes; and the gentleman from California (Mr. THOMAS) has 15½ minutes.

Mr. SHAYS. Mr. Chairman, I yield myself 20 seconds to point out that in our legislation, the term ''express advocacy'' does not include a printed communication that prevents information in an educational manner solely about the voting record or position on a campaign issue of two or more candidates. So we specifically provide and allow for voting records to be a part of the system.

Mr. Chairman, I yield 1½ minutes to the gentle and very strong woman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, we have been bogged down by excuses and dilatory tactics trying to get a vote on real campaign finance reform. All the while, our constituents have been looking on with disgust, and soft money contributions have proliferated.

Serving on the Committee on Government Reform and Oversight, I have become more convinced than ever that we must close campaign finance loopholes. Today, we finally have that opportunity to move forward with real reform, with the Shays-Meehan substitute.

This substitute addresses fundamental flaws in our system: the proliferation of soft money and issue ads. It closes the soft money loophole on both the Federal and State levels. Soft money contributions, whether by individuals, labor, corporations, have led to egregious fund-raising practices and to the escalating cost of elections.

This bill also requires that any funds spent by State, district and local political parties for Federal election activity be subject to the Federal Election Campaign Act limits.

Shays-Meehan's issue advocacy reforms will end the takeover of elections by special interest groups, and it will lead to fair and responsible political advertising. It uses a common-sense definition of express advocacy and stipulates that ads that endorse a Federal candidate under its new definition could only be run using legal hard dollars. It also requires FEC reports to be electronically filed and provides for Internet posting of disclosure detail. It clarifies the Pendleton Act's restrictions on fund-raising on Federal property, it codifies the Beck court decision.

Join us in real campaign reform. Prove that we can do it by supporting the Shays-Meehan substitute.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent that the remainder of my time be controlled by the gentleman from California (Mr. DOOLITTLE).

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

There was no objection.

Mr. DOOLITTLE. Mr. Chairman, I yield 5½ minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

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

I first want to compliment the gentleman and my friend from Connecticut (Mr. SHAYS) for his leadership on this issue. I think we probably would not be here today debating campaign

finance reform without his hard fight and his commitment to this issue.

For the last year we have worked really on different tracks to accomplish campaign finance reform. We have worked on different tracks because he has advocated what on the Senate side was known as the McCain-Feingold bill and on the House side as the Shays-Meehan bill. A group of freshmen, in a bipartisan fashion, and some of them are sitting in this room, Democrats, Republicans, worked in a different way with a different approach and came up with a different product for campaign finance reform.

So today, as we talk about different approaches to this, I do not support the Shays-Meehan proposal, and I will vote against it because I believe that there is a better way to accomplish campaign finance reform. I say this with the greatest respect, but I believe that it is incumbent upon me to make my case.

Why do I say that the freshman bill is better? Why do I believe that it will accomplish more significant reform? I believe it is a better vehicle for reform because it is bipartisan, it is constitutional, it does not federalize State elections, it bans soft monies to the Federal parties, and it provides for greater disclosures. But I believe it is a better way, first of all, from a political standpoint that on the Senate side, the United States Senate has already failed to pass McCain-Feingold. They could not break cloture on that bill. So why do we want to send them the exact same bill back again? I believe that if we send them a fresh approach, a new idea, that accomplishes significant reform, that that is the best way to approach it.

Secondly, I believe the freshman bill represents a better idea because the Shays-Meehan approach disregards current Supreme Court decisions in the hope that the Supreme Court will change its opinion. As a lawyer, I have disagreed many times with the Supreme Court, and I wished they would change their opinion; but they are still supreme, and if we want to cast a vote for a bill that is going to be signed into law and a bill that is going to be upheld by the Supreme Court, I believe we have to listen and adhere to the clear decisions that the Supreme Court has given. There is too much at stake.

So the freshman bill, the freshman approach is different. We have drafted a bill that pays attention to what the Supreme Court has said and tries not to violate their constitutional restrictions and infringements upon free speech.

The third reason that I think there is a better way is that issue groups under the Shays-Meehan bill will be subject to source restrictions, donor disclosure, and speech regulation. I think this is a very serious matter. Whether we are talking about the right to life, whether we are talking about the NRA, whether we are talking about the Sierra Club, any issue group that had issue ads in the last election cannot do it the same way in the next election cycle because they would be limited on where they can get their money. Also, if they do their issue ads within 60 days of a campaign, they have to disclose their donors down to the $50 level.

□ 1730

Now, there is a hope that the Supreme Court would approve that, but I believe that that is an infringement upon free speech and the rights of the issue groups to be involved in the campaigns.

The fourth reason that I believe the freshman bill represents a better way is that we do not federalize the State elections by prohibiting contributions that are legal in a State election from being used if a Federal candidate is on the ballot, and that is the current status of the Shays-Meehan approach.

If there is a Federal candidate on the ballot, then money that is legal in the State system cannot be used for get-out-the-vote efforts, cannot be used for the traditional means of party-building efforts. So ours is a more cautious approach.

Finally, I believe that there is a better way because of the approach to how we handle soft money. Under the Shays-Meehan bill, the greatest abuse in the last presidential campaign is not addressed. The greatest abuse in the last presidential campaign was that Federal office holders and candidates were chasing soft money. There was the link that created a problem. All over the country, raising soft money and the chase for those huge contributions led to problems.

This chase is not prohibited under the Shays-Meehan bill, the result being that soft money can continue to be raised for the State parties under Shays-Meehan by presidential candidates. In the Year 2000, they will be able to go from State to State to State to raise soft money.

It is true that they are restricted at the State level as to how that money can be spent. But then they can engage in a deal; we will raise soft money for the State and that will be spent and that will free up money for the Federal candidates.

So the freshman bill would prohibit that conduct by separating Federal candidates, Federal office holders, from raising that soft money.

So I have the highest regard for the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) who have proposed this bill, but I believe the freshman bill, the bipartisan bill represents a better way.

For that reason, I would urge my colleagues to vote ''no'' on Shays-Meehan and support the freshman bill.

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

Mr. Chairman, I would just point out that any money that is spent in America to influence an election ought to be disclosed. That is a basic premise in our bill. If money is spent 60 days before an election to influence that election, the public has a right to know who spent that money.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), who was just elected to this House in March in a special election to take her husband Walter's seat. The very first piece of legislation that the gentlewoman signed on to was the Shays-Meehan bill.

Mrs. CAPPS. Mr. Chairman, I am pleased that this day has finally come. In the face of many roadblocks, we are now debating the bipartisan Shays-Meehan bill. I commend my colleagues the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for their extraordinary perseverance on this issue.

Mr. Chairman, as someone who has run in three elections in the past six months, I can tell my colleagues that the American people are crying out for us to clean up our political system. The bill before us will close the biggest loopholes in that system: soft money and sham issue advocacy ads.

In my recent special election which was strongly contested, my conservative Republican opponent and I did not agree on very much, but we did agree that in our race these ads flooded the airwaves with very misleading information. And although the ads clearly targeted one of us, either of us, both of us for election or defeat, there was no disclosure and no limits on how they were funded.

Mr. Chairman, let us not lose sight of the dramatic shift that is occurring out there in the campaigns. The voters are becoming pawns in battles between powerful outside interest groups.

We need to pass the bipartisan Shays-Meehan bill and bring the political process back to the people. If we fail, our elections will only get more expensive and more dominated by special interest, and the cynicism and outrage of the American people will increase.

I strongly encourage my colleagues to pass this historic bipartisan legislation. I have the greatest admiration for my colleagues on both sides of the aisle who are willing to come together, particularly the freshmen Members who worked so many months to craft legislation and are now coming together behind Shays-Meehan so that we can be credible with our constituents and really do something important in this area.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. HOUGHTON).

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

Mr. HOUGHTON. Mr. Chairman, there is not a single piece of legislation, no matter how good, that cannot be picked apart with the technical arguments. I am not going to do that. I am going to get away from emotions and the words and all the negative aspects.

I think that there are really two words that come to mind, and that is it is just ''too much.'' It is too much money. I cannot imagine looking at a primary election in California where two people spent $60 million. Is that free speech? It is not free to me; it is pretty expensive.

Will it be $60 million next round? Will it be $100 million? With the gross domestic product going up and inflation going up, will it be $200 million? What is too much? Where does this lead us? Is this what we want to leave as a legacy?

Mr. Chairman, I ask this about my children. Do I want them to come into this body, or try to come into this body, and say, listen, it is going to be a great run and it is going to cost $50 million. And if they run for five terms, it is maybe $250 million. Is this what we want? It is crazy.

We have real limits for individuals and groups and we have absolutely no limits for this loophole which was never intended to be. Our job here in this and other legislation is to close loopholes. They were never intended they should not be, we should get at it.

The Shays-Meehan bill does this, and I feel we should support it.

Mr. DOOLITTLE. Mr. Chairman, may I inquire as to the time that each side has remaining.

The CHAIRMAN pro tempore (Mr. CALVERT). The gentleman from California (Mr. DOOLITTLE) has 10 minutes remaining, the gentleman from Connecticut (Mr. SHAYS) has 8¾ minutes remaining, and the gentleman from Massachusetts (Mr. MEEHAN) has 8½ minutes remaining.

Mr. DOOLITTLE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. HYDE), the chairman of our House Committee on the Judiciary.

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

Mr. HYDE. Mr. Chairman, I am certainly no expert in this field and campaign reform is a legitimate subject that needs attention and a lot of it. I would just say to the gentleman from New York (Mr. HOUGHTON), my friend, that all that money spent on that election out there was almost the first weekend's take on the Titanic when they showed it. Everything is relative.

The one glaring problem with Shays-Meehan is we do not take into account for contributions in kind. Labor unions, at least where I come from, can throw all kinds of bodies into the precincts on the weekend. They work the shopping malls, hand out the shopping bags, work the phone banks, go door to door. Labor does that and God bless them for doing that. They are participating in the most important act, civic act they can.

But the business community does not do that. They play both sides of the street. They cover their bets. Soft money is the only way Republicans who do not have access to the bodies that organized labor throws into the turmoil, it is the only way to equalize that. They can buy people's time who can work the phone banks and hand out the shopping bags.

One would like to have volunteers and tries to have them. But one cannot equal what labor can throw into an election. And neither bill takes care of that. It gives advantage to the Democrats because by limiting, if not eliminating soft money, the Republicans are left bereft of resources to equal the hundreds of people that can work in a precinct for a Democratic candidate sent in by the Teamsters or some other union.

Mr. Chairman, as I say, I am not critical of that. But if we are reforming, we ought to take into consideration the consequences of the reform. Giving the Democratic Party such an advantage in my judgment is not reform.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise in support of the Shays-Meehan substitute. This bipartisan effort to begin the process of mending a flawed system is necessary and appropriate and long overdue.

When I was sworn in as a newly elected Member of Congress 2 months ago, my first official act was to join over 200 of our colleagues in signing the discharge petition which would allow us to engage in meaningful debate on campaign finance reform.

I am pleased that today has arrived, despite the fact that the past few weeks have seen a deliberate effort to divert our attention away from real campaign finance reform.

In the spirit of democracy, campaigns should be about ideas, not money. Of course, I personally firmly believe that public financing of political campaigns is the ultimate answer to access and full participation by grassroots organization, women, and people of color. However, the Shays-Meehan substitute is a major step forward in taking us closer to ensuring a fair and equitable approach to financing elections.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the dynamic gentleman from Tennessee (Mr. WAMP).

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

Mr. WAMP. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SHAYS) for yielding.

Mr. Chairman, on this issue, probably more than others that we will address, the perfect should not be the enemy of the good. This bill, of course, is not perfect, but it is good. It is better than what we have now and it is better than it used to be, because I frankly do not like taxpayer financing or broadcaster financing of campaigns. They took that out of this bill and they replaced it with some better provisions.

The two things we should focus on is banning soft money, which any thinking person is for, it is way out of hand; and, secondly, trying to hold accountable these outside groups that come in in the last few days of a campaign and assassinate people with unlimited, unregulated, now huge sums of money dumped from nowhere in campaigns. Pretty soon we as candidates will not even be able to control the message in our own campaigns.

Mr. Chairman, I have been at this long enough to know also that reformers need to come together. I hate to see reformers carping at each other over details. If we do not come together on this issue, it is not going to happen.

What should the measurement be? Is the bill better than what we have now? This bill clearly meets that test. This is a messed up system. We have got to change it. We cannot go back to the way things used to be, even though I would say to the gentleman from California (Mr. DOOLITTLE) that ideally that would be nice. But I do not think that is practical. What is practical is to try to reform the current system we have today. This is a step in the right direction.

Mr. MEEHAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in strong support of the bipartisan Shays-Meehan substitute because it is the only bill I think that really truly provides comprehensive campaign finance reform. So many of the other bills do not deal with one of the greatest loopholes in our campaign system, and that is the lack of any restrictions on issue advocacy ads.

Issue ads make a mockery of Federal election law because they are not required to report the source of their political contributions. Issue ad groups are entitled to speak, and I vigorously defend their constitutional right to do so. However, their speech should not be protected more than any other political speech.

The public deserves to know who funds Federal elections. Is a foreign government attempting to elect one of their own to the U.S. Congress? Is an organized crime ring trying to defeat a Member who has been tough on crime? Without disclosures and limits we do not know. Shays-Meehan fixes the problem.

Mr. Chairman, in my last campaign, issue groups brought ads worth over $250,000 to try to defeat me. When the press and Members of the public asked me who was behind these ads, I could only give them one answer: I do not know.

While anyone can easily track who had paid for my ads, my opponent's ads, and both of our parties' ads, no information was available concerning the ads paid for by these groups.

This chart clearly points out we are not trying to limit the right of someone to speak. We are just saying that anyone who tries to influence the outcome of an election who uses a name

and likeness of a candidate 60 days before it should live by the same rules as anyone else that has participated by contributing to our own campaigns.

□ 1745

A person who gives me $200, we have to know his name, his address, their occupation, the date of contribution, the amount of contribution, the aggregate. Yet in my last election, we had a group that came in and spent $250,000, and yet nobody knew their name. Nobody knew the source of the dollars. That is wrong. That is why we should support Shays-Meehan.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, certainly I am a strong supporter of Shays-Meehan. Quite frankly, I think this is a debate that we have had years ago. In fact, the loopholes have abolished all the enforcement of the post Watergate reforms. So we are here today really dealing with a dire need for reform.

I know some are going to say, what are we talking about? The American people do not have this on their radar screen. They do not care. I submit the American people do care, but they have given up on us. I am afraid their cynicism will be justified if we do not act tonight on Shays-Meehan.

I have got to say that, if we look at the way the system works, there has been a lot of evidence that proves the need for what we are talking about today, the explosion of soft money, fat cats buying access, White House coffees, Members and Senators spending their waking moments raising cash, and certainly the indication of foreign contributions to our election system.

I have got to say that, after the Thompson hearings and the hearings of the gentleman from Indiana (Mr. BURTON), one thing is very clear to all of us, that the campaign finance system is out of control.

I have got to say that there are some who have been picking at this legislation, but I have got to say that any objective observer knows that Shays-Meehan gets right to the heart of the problem. It addresses banning, not only soft money, but it bans contributions from foreigners, and also addresses the Beck decision regulations. It is the only substitute amendment that contains a hard ban on soft money, and it should be passed.

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

Mr. DOOLITTLE. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, we have heard a lot of discussion today about too much money being in politics. We have asked that question before, too, what is too much money. Any time we ask the advocates of this legislation, it is very difficult for them to answer the question what is too much money.

Then we talk about what is the special interest. It is pretty obvious that a special interest is any group saying something that we do not agree with.

Then we have heard people say we do not know who is doing these TV ads against us. The TV ads have the disclaimers on them. We know the groups that ran the ads. We may not like it. The gentleman was talking about $50,000 spent against him. I had $800,000 spent against me by labor unions. I did not like it, but it is their constitutional right to do that. I knew that they ran the ads because of the disclaimer.

People have talked about, we, these individuals are spending too much money on their campaigns. Mr. Checchi, out in California, Ms. Harman, Mr. Issa spent a total of maybe $40 million, maybe more, in their campaigns. It was their money. I think, in America, individuals have a right to spend their money the way they want to spend it. By the way, all three of them lost.

In Kentucky, we had an individual running for the U.S. Senate, Charlie Owens, who spent $7 million of his money, the most ever spent in Kentucky on a Senate race. His money, not anybody else's. He has a right to spend his money. Guess what. He lost.

Then we have heard a lot about, well, we have got to have Shays-Meehan because it is going to clean up this problem that we have with foreign nationals contributing to these campaigns. Section 441(e) of the current Federal Election Law says, ''It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressively or impliedly to make any such contribution, in connection with an election to any political office'', and so forth and so forth and so forth. So we have the laws on the books.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I stand here as a conservative in support of this bill, because I think we all have to ask ourselves, when the Federal Government controls $1.7 trillion worth of daily activity as we go through the year, do we want people to have disproportionate levels of influence? I would answer no.

It ties straight to the larger question. That is, if someone gives large amounts of dollars, do they expect something in return? I think the answer is unequivocally yes. Common sense would say if one gives large amounts of money to somebody else that they expect something in return.

Tamraz, when asked before the Senate Finance Committee why did he give such large amounts of money, he said because it works. For that matter, the recent movie Bulworth, which some may have seen, talked about Bernard Schwartz and how he and the Loral Corporation had given $2 million to the DNC with surprising effect, because what they had been after, which is a satellite technology transfer, went through.

We can come up with lots of other examples. We can talk about Archer Daniels Midland and the ethanol subsidy. We can talk about many different areas wherein a disproportionate amount of influence seems to be tied to money.

The CHAIRMAN. The Chair will inform the Committee of the Whole that the gentleman from Connecticut (Mr. SHAYS) has 4¾ minutes remaining. The gentleman from California (Mr. DOOLITTLE) has 6 minutes remaining. The gentleman from Massachusetts (Mr. MEEHAN) has 5½ minutes remaining.

Mr. MEEHAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, over the weekend, when I was driving to my district, I came up behind a car that had a bumper sticker that read ''Invest in America; buy a congressman.'' Interestingly enough, my chief of staff saw the same bumper sticker here in Washington, D.C. Apparently, this is a more widespread view than many of us would hope.

It was fascinating to me, as I watched the earlier debate, that both parties, both sides of the aisle spent a certain amount of time attacking one another from where their monies were coming from, hoping that they would create some sort of suspicion on the part of the people watching at home about the other side and the availability of dollars and the source of dollars to them.

I think that both sides succeeded. I think that the people at home believe that neither side is particularly clean about money. People at home believe that something has to be done about the campaign finance system in this country.

The gentleman from Texas said the issue here is speech. No, the issue here is trust, how we are going to build a system that people at home can trust. I believe that we can have a system that protects free speech and is trustworthy, and I believe Shays-Meehan provides just that. It does not limit spending in any way that is not currently regulated.

Someone mentioned that it does not codify the Beck decision because it only applies to people who would leave their unions. In fact, the Beck decision only applies to people who are currently paying agency fees to unions that they have chosen not to become members of.

So much disinformation has been at work in this debate. Everyone has tried so much to disinform, to frighten people, to move us away from what our constituents want, which is a system we can trust, 435 people in the House of Representatives elected in a system that we can trust. Shays-Meehan will move us there. Please support it.

Mr. SHAYS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Washington (Mr. METCALF), and I am happy he is here.

Mr. METCALF. Mr. Chairman, I rise in support of the Shays-Meehan substitute as the most comprehensive campaign finance reform bill we have today. I would like to thank the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for their countless hours in bringing forth a bill that will dramatically change the campaign structure of this Nation.

Mr. Chairman, I was one of the Members who committed to sign the discharge petition that would have forced a vote on the Shays-Meehan bill. I did this because the American people have lost faith in the way Congress is elected, and that must be changed. Because this bill is a carefully balanced approach, my intention is to oppose all amendments.

Let me reiterate that we are at the threshold of major campaign finance reform. We have risked failure on real campaign finance reform by weighting down Shays-Meehan with a multitude of amendments. Shays-Meehan is the only bicameral legislation that can pass both the House and Senate this year. Let us support it without amendments.

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

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

Mr. DOOLITTLE. Mr. Chairman, in the context of the debate in the House, the phrase ''campaign finance reform'' is really synonymous, it is a code word for the government regulation of political speech.

I would just like to pose this question: If regulation works so well, then why are we in such a mess after 25 years of regulation? It was the liberal Democrats that rammed this through in 1974 with the cooperation of a Republican President.

This is when we received the limits on what individuals could contribute. This is what gave birth to PACs. This is what gave birth to the terms soft money, hard money, issue advocacy, independent expenditure. All of these, it is like opening Pandora's box. It started maybe in 1971 but got infinitely worse in 1974. Pretty much, that is how we have continued through the present.

This has produced the morass of complex, disastrous laws that we have right now where loopholes were closed in 1971, and more were closed in 1974. Guess what. For every loophole that was closed, a new one opened up over here on the other side.

We cannot enact comprehensive campaign finance reform; i.e., complete government regulation of political speech. Why? Because we have a Constitution. The Constitution, as long as it exists, provides certain ''loopholes,'' namely, certain freedoms that American citizens will have.

So the more we attempt additional regulation, the more unintended consequences we will have over here; and the morass we have now will be made even worse. That is why I believe the answer is deregulation.

The largest State in the Union, California, is free of the heavy-handed regulation in the present law as well as the way that the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) wish to make it.

The Commonwealth of Virginia has the same type of a law. Anybody can contribute, just disclose it. Just let the voters know who is giving to whom. Then let them make the decision. That is what the founders intended. That is why I said I do not know what could be more clear than this. But leave it to Congress to foul this up in the First Amendment. It says, ''Congress shall make no law abridging the freedom of speech.'' What could be more crystal clear than that?

The Shays-Meehan bill is a bill about how to abridge the freedom of speech. Other bills we will take up, including the Hutchinson–Allen bill, are about how to abridge the freedom of speech in ways they think they can somehow get around the Constitution.

□ 1800

Well, it has been pointed out and I believe, the Shays-Meehan bill is an incumbent protection bill. If I wanted to do one thing to help me the most as a candidate incumbent, I would vote for Shays-Meehan. It will guarantee that I will be in office as long as I wish to. Why? Because we have certain inherent advantages as incumbents that challengers do not have.

The bill violates, as was pointed out by the gentleman from Texas (Mr. DELAY), the tenth amendment, because it federalizes State election law. It violates the first amendment by abridging the freedom of speech. This bill is unconstitutional for those reasons.

It is undesirable. Even if it somehow were constitutional, it is undesirable. It limits political discourse.

What we need is the free interchange of ideas in elections. I find the biggest complaint my constituents have is they want more information. They are hungry for information. And bills like Shays-Meehan are going to cut off that information and they are going to turn over the power to the government czar. And we can trust the government, right?

This bill is also unworkable. Let us suppose for a minute somehow it met the constitutional test; somehow we could, in the remotest way, consider it desirable as opposed to undesirable. It is unworkable. For 25 years we have had their disastrous approach to campaigns. It has utterly failed. And the more they regulate, the worse it gets. And instead of stepping back and figuring out maybe we have got the wrong approach here, maybe regulation is not the answer, no, we have a plethora of bills that want to add to the problem. More regulations, more restrictions, more heavy hand of government.

Freedom works, Mr. Chairman. And this is a very key debate in this House, and we will take this up. Freedom works. We all know what the founders meant when they said Congress shall make no law abridging the freedom of speech. I urge my colleagues to oppose Shays-Meehan and to support concepts of freedom that have made us the greatest and the freest country in the history of the world.

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

Mr. Chairman, as we begin this debate, one of the difficulties that we face is trying to deal with so much information that comes to the floor of the House about the Shays-Meehan proposal. I had mentioned earlier that there was a quote up here from the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Missouri (Mr. GEPHARDT). There was a quote made on February 7, 1997, and there were correlations made by a number of speakers that this statement was made, and it is in conflict with the Shays-Meehan bill that we are dealing with today. The Shays-Meehan bill that we are dealing with today was not even filed until March 19, 1998.

Now, there have been other statements made about limits in spending not being constitutional. But I want to make it very clear that the first amendment implications of spending limits does not even apply to this debate because the Shays-Meehan bill does not include spending limits.

Now, the previous speaker made some comments about problems with our campaign finance system. He must believe that there are problems, because there have been millions of dollars spent investigating those problems and bringing up those problems. But when this campaign finance reform passed, after Watergate, in the 1976 Presidential election there were zero dollars spent of soft money.

And then it increased to about $19 million the next year, and then it increased from there, and it increased from there, and now we have hundreds of millions of dollars in soft money being spent, circumventing the disclosure laws and the limits that have been in effect since that time.

So this is not a problem that we have had for the last 25 years with regard to soft money. It is a problem that has grown over a period of the last 25 years.

Mr. Chairman, there has been a debate about issue ads. Opponents of campaign finance reform tell us that we must protect free speech. But when they say free speech, they mean big money. The fact is that the Shays-Meehan bill does not ban any type of communication. It merely reins in those campaign advertisements that have been masquerading as so-called issue advocacy. And according to the Supreme Court, communications that expressly advocate the election or defeat

of a clearly identified candidate can be subject to regulation.

There is a lot of misinformation on the floor of this House relative to what this bill does with labor. The United States Supreme Court made a decision stating that workers cannot be forced to pay for political advertisements. Nonunion employees who pay for union representation do not have to finance political union activities.

This bill includes a codification of Beck. It is a compromise that was reached between Democrats and Republicans. So this talk about this bill not dealing with unions simply is not so.

This bill improves FEC disclosure and enforcement. This bill has franking provisions to limit franking to 6 months before an election. This bill has foreign money and fund-raising on government money provisions.

It is a good strong piece of legislation that is the result not of partisanship, not of attempts to divide Democrats and Republicans, but rather an attempt to bring Democrats and Republicans together. Not only Democrats and Republicans in the House, but Democrats and Republicans in the other body.

We have a unique opportunity to change history and pass historic campaign finance reform. Let us vote for Shays-Meehan.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. LEACH). He has been the leader on campaign finance reform over his term in Congress.

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

Mr. LEACH. Mr. Chairman, first I want to reflect great respect for the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for their leadership on this issue.

Secondly, let me just say that over my time in the United States Congress we have seen a number of changes that have occurred in the American political system. One that has become ever apparent is that as the political system becomes more and more hallmarked by the need for financing, candidates become increasingly tied to those who make the largest campaign contributions. The system is in need of reform.

One aspect of this relates to an old-fashioned word used in the 19th century, not much in the 20th, and that is the word ''oligarchy.'' As systems of governance become based upon a few influencing the many, they are called oligarchies and they are not democracies.

Democracy is what is at issue today.

The second trend that is extraordinary is that our Founding Fathers thought of a system of governance in which people would be elected from various parts of the country and bring to Washington the background of that part of the country. But as campaign giving is nationalized, attitudes are nationalized, and what we are seeing is the nationalization of elections. Instead of people becoming first and foremost accountable to the people in their districts, they are becoming first and foremost accountable to the people that influence the people in their districts.

Shays-Meehan, in my judgment, represents a first small but substantive step to put the people back in power.

Mr. SHAYS. Mr. Chairman, may I ask how much time I have remaining?

The CHAIRMAN pro tempore (Mr. DICKEY). The gentleman from Connecticut (Mr. SHAYS) has 2¼ minutes remaining.

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

This is the beginning of, I think, a fairly long and comprehensive debate, and I would first thank my colleagues on both sides of the aisle for the integrity with which they present their views, but to say, with no reluctance at all, that it is clear to me that the Meehan-Shays proposal will have to deal with a lot of misinformation about it.

For instance, it was stated, we do not allow scorecards. We specifically provide that scorecards are allowed. It says we do not deal with labor dues money. We deal with it in two ways: codification of Beck, and calling the ''sham issue'' ads what they are: ''campaign'' ads. By doing this we forbid corporate and union dues money to be used 60 days to an election in the campaign, because it is against the law to use corporate or labor money in an election.

When oppoents talk about federalizing State elections, that is just bogus. All we do is say we cannot raise soft money on the Federal and State levels for Federal elections.

When opponents talk about a gag rule, that also is bogus. We provide that third parties can spend what they will. That is the Supreme Court's decision. But when it is a campaign ad, it comes under the campaign law. We have freedom of speech under the campaign law.

I hope and pray that during the course of this debate, we will get down to what is in the bill and what is not, and we can truly argue those disagreements. But most of the complaints we have heard were not technicalities or little complaints, they were just misinformation about the bill.

I again want to thank my colleague the gentleman from Massachusetts (Mr. MARTY MEEHAN) and so many on his side of the aisle for taking a very strong position on campaign finance reform, and I encourage all to vote for the Meehan-Shays substitute.

Mr. Chairman, I yield back the balance of my time; and, Mr. Chairman, do I need to ask to move the amendment at this time?

The CHAIRMAN pro tempore. The gentleman may offer the amendment.

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

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

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

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

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

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Bipartisan Campaign Reform Act of 1998''.

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

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

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

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. 201. Definitions.
Sec. 202. Civil penalty.
Sec. 203. Reporting requirements for certain independent expenditures.
Sec. 204. Independent versus coordinated expenditures by party.
Sec. 205. Coordination with candidates.

TITLE III—DISCLOSURE

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

TITLE IV—PERSONAL WEALTH OPTION

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

TITLE V—MISCELLANEOUS

Sec. 501. Codification of Beck decision.
Sec. 502. Use of contributed amounts for certain purposes.
Sec. 503. Limit on congressional use of the franking privilege.
Sec. 504. Prohibition of fundraising on Federal property.
Sec. 505. Penalties for knowing and willful violations.
Sec. 506. Strengthening foreign money ban.
Sec. 507. Prohibition of contributions by minors.
Sec. 508. Expedited procedures.
Sec. 509. Initiation of enforcement proceeding.

TITLE VI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

Sec. 601. Severability.
Sec. 602. Review of constitutional issues.
Sec. 603. Effective date.
Sec. 604. Regulations.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

SEC. 101. SOFT MONEY OF POLITICAL PARTIES.

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

''SEC. 323. SOFT MONEY OF POLITICAL PARTIES.

''(a) NATIONAL COMMITTEES.—

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

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

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

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

''(2) FEDERAL ELECTION ACTIVITY.—

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

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

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

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

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

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

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

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

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

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

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

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

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

''(e) CANDIDATES.—

''(1) IN GENERAL.—A candidate, individual holding Federal office, or agent of a candidate or individual holding Federal office shall not solicit, receive, direct, transfer, or spend funds for a Federal election activity on behalf of such candidate, individual, agent or any other person, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

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

''(3) FUNDRAISING EVENTS.—Paragraph (1) does not apply in the case of a candidate who attends, speaks, or is a featured guest at a fundraising event sponsored by a State, district, or local committee of a political party.''.

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

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

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

(2) in subparagraph (C)—

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

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

(3) by adding at the end the following:

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

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

SEC. 103. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 203) is amended by inserting after subsection (d) the following:

''(e) POLITICAL COMMITTEES.—

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

''(2) OTHER POLITICAL COMMITTEES TO WHICH SECTION 323 APPLIES.—A political committee (not described in paragraph (1)) to which section 323(b)(1) applies shall report all receipts and disbursements made for activities described in paragraphs (2)(A) and (3)(B)(v) of section 323(b).

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

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

(b) BUILDING FUND EXCEPTION TO THE DEFINITION OF CONTRIBUTION.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

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

TITLE II—INDEPENDENT AND COORDINATED EXPENDITURES

SEC. 201. DEFINITIONS.

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

''(17) INDEPENDENT EXPENDITURE.—

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

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

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

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

''(20) EXPRESS ADVOCACY.—

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

''(i) containing a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1997', 'vote against', 'defeat', 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to advocate the election or defeat of 1 or more clearly identified candidates;

''(ii) referring to 1 or more clearly identified candidates in a paid advertisement that is transmitted through radio or television within 60 calendar days preceding the date of an election of the candidate and that appears in the State in which the election is occurring, except that with respect to a candidate for the office of Vice President or President, the time period is within 60 calendar days preceding the date of a general election; or

''(iii) expressing unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates when taken as a whole and with limited reference

to external events, such as proximity to an election.

''(B) VOTING RECORD AND VOTING GUIDE EXCEPTION.—The term 'express advocacy' does not include a printed communication that—

''(i) presents information in an educational manner solely about the voting record or position on a campaign issue of 2 or more candidates;

''(ii) that is not made in coordination with a candidate, political party, or agent of the candidate or party; or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent;

''(iii) does not contain a phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for', '(name of candidate) for Congress', '(name of candidate) in 1997', 'vote against', 'defeat', or 'reject', or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified candidates.''.

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

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

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

(3) by adding at the end the following:

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

''(iv) a payment made by a person for a communication that—

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

''(II) is provided in coordination with the candidate, the candidate's agent, or the political party of the candidate; and

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

SEC. 202. CIVIL PENALTY.

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

(1) in subsection (a)—

(A) in paragraph (4)(A)—

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

(ii) by adding at the end the following:

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

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

(2) in subsection (d)(1)—

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

(B) by adding at the end the following:

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

SEC. 203. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 204. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.

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

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

(2) by adding at the end the following:

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

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

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

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

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

SEC. 205. COORDINATION WITH CANDIDATES.

(a) DEFINITION OF COORDINATION WITH CANDIDATES.—

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

(A) in subparagraph (A)—

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

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

(iii) by adding at the end the following:

''(iii) anything of value provided by a person in coordination with a candidate for the purpose of influencing a Federal election, regardless of whether the value being provided is a communication that is express advocacy, in which such candidate seeks nomination or election to Federal office.''; and

(B) by adding at the end the following:

''(C) The term 'provided in coordination with a candidate' includes—

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

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

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

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

''(v) a payment made by a person if the person making the payment has served in any formal policy making or advisory position with the candidate's campaign or has participated in formal strategic or formal policymaking discussions with the candidate's campaign relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle as the election cycle in which the payment is made;

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

''(vii) a payment made by a person who has engaged in a coordinated activity with a candidate described in clauses (i) through (vi) for a communication that clearly refers to the candidate and is for the purpose of influencing an election (regardless of whether the communication is express advocacy);

''(viii) direct participation by a person in fundraising activities with the candidate or in the solicitation or receipt of contributions on behalf of the candidate;

''(ix) communication by a person with the candidate or an agent of the candidate, occurring after the declaration of candidacy

(including a pollster, media consultant, vendor, advisor, or staff member), acting on behalf of the candidate, about advertising message, allocation of resources, fundraising, or other campaign matters related to the candidate's campaign, including campaign operations, staffing, tactics, or strategy; or

''(x) the provision of in-kind professional services or polling data to the candidate or candidate's agent.

''(D) For purposes of subparagraph (C), the term 'professional services' includes services in support of a candidate's pursuit of nomination for election, or election, to Federal office such as polling, media advice, direct mail, fundraising, or campaign research.

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

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

''(B) a thing of value provided in coordination with a candidate, as described in section 301(8)(A)(iii), shall be considered to be a contribution to the candidate, and in the case of a limitation on expenditures, shall be treated as an expenditure by the candidate.

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

TITLE III—DISCLOSURE

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

Section 302(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

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

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

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

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

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

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

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

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

SEC. 303. AUDITS.

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

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

(2) by adding at the end the following:

''(2) RANDOM AUDITS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act. The selection of any candidate for a random audit or investigation shall be based on criteria adopted by a vote of at least 4 members of the Commission.

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

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

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

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

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

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

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

SEC. 305. USE OF CANDIDATES' NAMES.

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

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

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

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

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

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

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

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

(2) by adding at the end the following:

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

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

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 103(c) and section 203) is amended by adding at the end the following:

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

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

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

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

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

''(A) Federal election activity;

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

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

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

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

''(B) an independent expenditure.

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

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

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

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

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

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

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

SEC. 308. CAMPAIGN ADVERTISING.

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

(1) in subsection (a)—

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

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

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

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

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

(2) by adding at the end the following:

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

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

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

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

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

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

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

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

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

TITLE IV—PERSONAL WEALTH OPTION

SEC. 401. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

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

''SEC. 324. VOLUNTARY PERSONAL FUNDS EXPENDITURE LIMIT.

''(a) ELIGIBLE CONGRESSIONAL CANDIDATE.—

''(1) PRIMARY ELECTION.—

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

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

''(2) GENERAL ELECTION.—

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

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

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

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

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

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

''(b) PERSONAL FUNDS EXPENDITURE LIMIT.—

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

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

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

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

''(c) CERTIFICATION BY THE COMMISSION.—

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

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

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

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

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

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

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

SEC. 402. POLITICAL PARTY COMMITTEE COORDINATED EXPENDITURES.

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

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

TITLE V—MISCELLANEOUS

SEC. 501. CODIFICATION OF BECK DECISION.

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

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

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

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

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

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

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

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

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

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

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

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

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

''SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

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

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

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

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

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

''(b) PROHIBITED USE.—

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

''(2) CONVERSION.—For the purposes of paragraph (1), a contribution or amount

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

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

''(B) a clothing purchase;

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

''(D) a country club membership;

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

''(F) a household food item;

''(G) a tuition payment;

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

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

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

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

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

SEC. 504. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.

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

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

''(a) PROHIBITION.—

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

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

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

SEC. 505. PENALTIES FOR KNOWING AND WILLFUL VIOLATIONS.

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

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

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

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

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

(1) by adding at the end the following:

''(13) PENALTY FOR LATE FILING.—

''(A) IN GENERAL.—

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

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

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

''(B) FILING AN EXCEPTION.—

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

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

(2) in paragraph (5)(D)—

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

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

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

SEC. 506. STRENGTHENING FOREIGN MONEY BAN.

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

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

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

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

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

''(A) a donation of money or other thing of value, or to promise expressly or impliedly to make a donation, in connection with a Federal, State, or local election to a political committee or a candidate for Federal office, or

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

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

SEC. 507. PROHIBITION OF CONTRIBUTIONS BY MINORS.

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

''SEC. 325. PROHIBITION OF CONTRIBUTIONS BY MINORS.

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

SEC. 508. EXPEDITED PROCEDURES.

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

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

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

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

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

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

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

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

SEC. 509. INITIATION OF ENFORCEMENT PROCEEDING.

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

TITLE VI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

SEC. 601. 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. 602. REVIEW OF CONSTITUTIONAL ISSUES.

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

SEC. 603. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect January 1, 1999.

SEC. 604. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 180 days after the date of the enactment of this Act.

Mr. SHAYS. Mr. Chairman, I am fully prepared to go to a vote on this legislation.

The CHAIRMAN pro tempore. Does the gentleman yield back the balance of his time?

Mr. DOOLITTLE. Mr. Chairman, I rise in opposition and point out there are other amendments.

The CHAIRMAN pro tempore. Does the gentleman wish to yield at this time?

Mr. SHAYS. Yes. Let me be clear, Mr. Chairman. Do I have 5 minutes now, or can I reserve that 5 minutes?

The CHAIRMAN pro tempore. The gentleman may not reserve his time.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman from Connecticut (Mr. SHAYS) has 5 minutes on his amendment.

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

Mr. BILBRAY. Mr. Chairman, I thank my colleague from Connecticut and thank both authors of this amendment. I think it is a balanced amendment. It does not do everything we would like to see, but what legislation does?

I think we are recognizing that this issue of campaign finance reform is not Democrat or Republican. We all carry blame for what was or was not done in the past. We all carry blame for the fact that the system is not working as we know it should.

And so I would ask my colleagues to take a look at this amendment. It is comprehensive. There are parts in it that Republicans may not like, but there are parts in it where the supporters of Democrats will be infuriated. There are practices that, sadly, have become all too common, that have been used by Democratic supporters and Republican supporters, that the American people know are wrong and inappropriate. One of those activities is groups coming in at the last moment in elections and doing something that is supposedly an educational piece, which we all know are last-minute hit pieces and smear pieces.

The American people expect candidates to keep their campaigns above the belt. Sadly, there are groups that are subverting the process by using dirty tactics late in campaigns and claiming that they are educational pieces. The Shays-Meehan bill will help to reduce that type of tactic in our electoral process.

I want to say, as a Californian, I think there is one thing that is very clear that the people in this country are going to say quite loudly in the next few elections, because I saw it in California. Dirty tactics are going to backfire. Shays-Meehan helps to reduce the potential for those types of tactics being used in our Federal elections.

And I want to thank my colleague, the gentleman from Connecticut (Mr. SHAYS), and the gentleman from Massachusetts (Mr. MEEHAN) for bringing this forward and working together. Let us have a bipartisan effort in addressing these problems.

Mr. SHAYS. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I want to thank the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) and all the others that have been involved in this really historic effort. This has been a tremendous effort and it is just the beginning of a tremendous effort.

I am frustrated because when I talk to people in my district, in particular, young people, I find a tremendous amount of distrust in our democratic process. People have tuned out of the system because they do not think that it is responsive to them. They feel as though they cannot be a player in the game because they do not have a lot of money.

I am someone who firmly believes that democracy works only as well as we make it work. It is the ultimate participatory sport. And if young people, or any people in this country feel that they cannot be part of this system because of what they see going on right now in our country, that is bad for democracy.

□ 1815

That is bad for everybody here, whether they are a Democrat or Republican or an Independent. We should be encouraging people to be involved in this system.

I think that the Shays-Meehan proposal takes away some of the cynicism that is out there because it lets people understand that we do not want unregulated soft money coming into this system. We do not want drive-by shootings that are basically what some of these 30-second commercials are. What we want is we want integrity in the system. And I think that this is a very serious and a very meritorious attempt to bring some integrity back to the system.

So I am very proud to stand today to support the gentleman from Connecticut (Mr. SHAYS) and to support the gentleman from Massachusetts (Mr. MEEHAN). We have waited a long, long time for this debate. But, hopefully, we will be able to plow through these amendments and in the end we will support this proposal because it is a very good proposal.

Mr. SHAYS. Mr. Speaker, I thank the gentleman and say that in the near future when we will be discussing a number of amendments, it is possible that we will support some of those amendments.

We certainly are going to support the amendment on the commission bill offered by the gentleman from Michigan (Mr. DINGELL) and the gentlewoman from New York (Mrs. MALONEY). And it is also possible we will support some other amendments.

But we hope that this legislation, the Meehan-Shays legislation, remains intact. We hope to pass this bill to ban soft money, to recognize the sham issue ads that truly campaign ads, to codify the ''Beck'' decision to improve FEC disclosure enforcement, to deal with the franking problem, and to provide that foreign money and fund-raising on government property is illegal.

I urge support for the Meehan-Shays substitute.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

PARLIAMENTARY INQUIRY

Mr. DOOLITTLE. Mr. Chairman, I was rising in opposition to claim the 5-minute time under the rule to his amendment. Is that not indeed the case?

The CHAIRMAN pro tempore (Mr. DICKEY). The Chair is endeavoring to alternate sides under the 5-minute rule.

Mr. DOOLITTLE. Mr. Chairman, I did not strike the last word. I thought we got 5 minutes on our side to oppose the initial offering of the amendment.

Mr. SHAYS. Mr. Chairman, I have no objection to the gentleman asking for 5 minutes. I did not know I had asked for 5 minutes.

The CHAIRMAN pro tempore. Members will suspend.

The time is not controlled. Debate is under the 5-minute rule. The Chair will alternate.

The gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

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

Mr. STENHOLM. Mr. Chairman, I rise in strong support of the Shays-Meehan campaign finance reform and commend both of the authors for their tenacity and their hard work in bringing us to this point.

Having joined with the gentleman from Kentucky (Mr. BAESLER) and other members of the Blue Dog Coalition to initiate a discharge petition last October to force consideration of campaign finance reform, I am very pleased to be here tonight finally debating a serious, substantive proposal to reform our campaign finance laws.

The current campaign finance system hands a loudspeaker to interest groups and political parties, and while ordinary citizens are reduced to speaking in a whisper. That is not the free speech envisioned by the First Amendment.

Enacting campaign finance reforms that limit the influence of wealthy individuals, special interest groups and political parties is critical to restoring the integrity of our democratic process.

I respectfully disagree with opponents of campaign finance reform who

argue that the free speech protections in the First Amendment guarantee the right of any individual or group to spend unlimited amounts of money to influence an election without having to take the responsibility for the advertisements or even acknowledge that they are funding the advertisements.

The Shays-Meehan amendment strikes to the heart of the problems in the current campaign finance system by addressing the two areas of the campaign finance system that are outside of the rules; the unregulated, unlimited donations to political parties by corporations, labor unions and wealthy individuals known as soft money and the sham issue ads that are used to influence elections without being subject to campaign laws.

I agree with those who say that we must enforce the current campaign finance rules and punish those who have violated those rules. However, the vast majority of reported scandals involve activities by people in both parties that are unethical and offensive to many of us but were not illegal because of the loopholes in our current system.

Virtually all of the scandals that have been reported in the press involve soft money or issue advocacy, which are exempt from most campaign finance laws. The Shays-Meehan amendment simply states that campaign activities of political parties and independent organizations should be subject to the same rules that apply to candidates for office.

Under current law, the individuals who are engaged in unethical behavior in raising soft money or running issue ad campaigns in 1996 will not face any penalties because they are not covered by any laws. If Shays-Meehan had been the law of the land in 1996, these individuals would be punished, as they should be.

One of the provisions I feel the most strongly about in this amendment is placing greater accountability on spending by independent organizations to influence campaigns. The Shays-Meehan amendment states that any independent expenditure made in connection with a congressional election would be subject to other regular current campaign finance laws and disclosure requirements, anyone making an independent expenditure of more than $10,000, if those communications include the name, likeness, or representation of a candidate for federal public office. These reports must be filed electronically with the FEC and posted on the Internet so citizens can find out and learn who is paying for the political ads. What could possibly be wrong with that?

The Annenberg Public Policy Center compiled an archive of 107 issue advocacy advertisements that aired during the 1996 election cycle sponsored by 27 different organizations, both liberal and conservative. While this Policy Center's report does not speak out in support of or opposed to issue advocacy, their research shows just how much these advertisements look like regular campaign commercials and how much impact their one-sided information had on voters.

While promoters of these ads claim that they are simply educating the public, more often they are stealth attacks designed more to keep the public in the dark about the full story of an issue.

The issue ad loophole in current law makes it possible for foreign governments or other foreigners to influence American elections by setting up a front organization that runs issue ads attacking candidates who do not support the interest of that foreign government. Under current law, the voters who see those ads would never know that that money to run those ads came from foreign interests. I believe that my constituents deserve to know if foreign entities are running ads in my district.

I strongly support the right of any group to express whatever views they have about me or any other candidates for office. However, I believe that the public deserves to know who is trying to influence those elections. Full disclosure is needed to allow the public to make their own judgments about advertisements run by independent organizations.

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

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

Mr. STENHOLM. Mr. Chairman, contrary to claims by some organizations opposing campaign finance reform legislation, the Shays-Meehan amendment would not prevent independent organizations from running advertisements or prohibit these groups from using the name of a Member of Congress or any other candidate in that advertisement prior to an election.

I strongly support that. I do not mind any organization running anything, any individual running anything for my opponent in this year or in any other year. But I do believe my constituents that I represent have the right to know who it is that is spending the money in the 17th District of Texas, and then we will welcome that in the field of free speech and debate under all of the First Amendment rights and privileges that all of us find so dear.

Under the Shays-Meehan amendment, any independent group can run advertisements expressing any opinion it wants at any time during a campaign so long as it complies with the standards of accountability and openness that apply to other political advertisements. I heard an earlier speaker today talking about that was un-American. I do not understand for a moment how that can be.

All we are talking about is making sure that freedom of speech means just that and that the people have a right to know who it is that is having the freedom of speech.

I am standing in the well. Everyone watching in our offices and here know who I am, what I am saying. It is coming from me. I think the same should be true for any political advertisement run by any group on either side of the aisle. We ought to know who is behind it.

It is not a partisan matter. I appreciate the tenure of many of my colleagues on both sides of the aisle who are serious about this. And I hope we will cut through the chaff and get down to the meat of this issue.

Candidates from both parties both benefit from and are hurt by these advertisements. Our Nation's important free speech should not be minimized, but it should be balanced by honesty and accountability.

Vote for the Shays-Meehan amendment to bring honesty and accountability into all aspects of campaign finance.

AMENDMENT NO. 132 OFFERED BY MR. THOMAS TO AMENDMENT NO. 13 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHAYS

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

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

Amendment No. 132 offered by Mr. THOMAS to Amendment No. 13 in the nature of a substitute offered by Mr. SHAYS:

Amend section 601 to read as follows (and conform the table of contents accordingly):

SEC. 601. NONSEVERABILITY OF PROVISIONS.

If any provision of this Act or any amendment made by this Act, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this Act or any amendment made by this Act shall be treated as invalid.

In the heading for title VI, strike ''**SEVERABILITY**'' and insert ''**NONSEVERABILITY**'' (and conform the table of contents accordingly).

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

Mr. THOMAS. Mr. Chairman, I asked to offer this amendment. As I said during general debate, this will be offered to any major substitute that has a severability clause. I talked earlier about the fact that when the first Federal Election Campaign Act was passed, Congress took a comprehensive approach to campaign reform.

When the Court reviewed it, they struck as unconstitutional portions of the plan. There really is no constitutional basis for the Court having the ability to impose its will on any other branch. They are supposed to be coequal branches. Our oath to the Constitution is not inferior to the Supreme Court's.

Notwithstanding that historical relationship, 25 years later, the portions that were struck down by the Court are simply null and void.

We have before us the first example of a number of comprehensive bills which contain a number of provisions that desire to go after certain behavior.

The Court has been on record in some areas, especially where political parties operate as an independent expenditure rather than as a party. If it is soft money the Court has said, and the most recent court example would be Colorado v. The Republican Party in which the Court upheld the right of the party to follow this model. And this particular legislation tries to correct that.

Issue advocacy is now a strong point, and there is an attempt to change the relationship that the Court has advocated in issue advocacy. I believe that we could try to test the Court to see if they would now hold constitutional a provision that they have held unconstitutional in the past. My belief is we would run that risk and lose.

It seems to me far more prudent that on any bill that contains multiple provisions which the Court could rule on that if Congress wants to retain control of campaign law, what we ought to say is that if someone takes the law to court and they beat a piece of it, then the entire law falls. What happens? We come back and rewrite a law.

The folks who do not want this amendment that I am offering, the nonseverability, the folks who want to be able to say, notwithstanding a piece of the law falling, all the rest of it stands, will tell us this, ''we will come back and fix that piece.''

I am here to tell my colleagues that, as a product of 25 years of labor to try to change the pieces that the Court changed, it is not nearly as easy as that.

What we have had for 25 years is a piecemeal law that does not work in many instances. We are here tonight and will be here over the next several weeks because what the Court did does not work. Why in the world would we repeat the same mistake again?

This amendment will be offered to every comprehensive substitute that has a severability clause. Does it mean that I am a masochist, does it mean that I am trying to defeat the effort to make change? No. What I am trying to do is guarantee Congress retains the ability to make the change, that we do not let the Court make the change.

If my colleagues do not accept my amendment, which is joined by the gentleman from Texas (Mr. FROST), so I can gladly say this is a bipartisan amendment, then what we have been under for the last 25 years is doomed to repeat itself for an open-ended number of years as the Court picks and chooses as to what to declare unconstitutional from a comprehensive bill.

I think that the choice is not a good one in either case: Live under this hodgepodge that the Court was allowed to create because of historical usurpation of a power, or for Congress to come back and rewrite the law in its entirety.

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Either one of those are going to be the choices, and I think the far better choice is to say that if a piece falls, it all falls and we come back and rewrite it. That way we know in a given time frame we will be able to produce a product that works. The other way has not worked.

I would urge all my colleagues when we do have a vote on the amendment, that amendment No. 132 sponsored by myself and the gentleman from Texas be accepted and that it be accepted and placed in every substitute that has a severability clause, because I believe, no matter what we do, no matter what the particular provisions are in a measure, Congress ought to retain control of what is campaign finance law. The only way we can retain control is to remove the severability clause that is in the measures.

I would ask Members to support the amendment.

Mr. FROST. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. THOMAS). I happen to have the view that what we are doing here is very serious and that we should treat everything that is done here today as on the level. We should vote for the things that we think are important. And if we feel strongly about a subject, we should vote in favor of it and we should vote as if what we are doing this week and next week actually has a chance to become law, not that we are posturing but that we are looking to the point of if this becomes law, how does it work and what is the best way for it to work.

Mr. Chairman, the issue of nonseverability is one of the highest importance in this debate. In 1976, the Supreme Court ruled in Buckley v. Valeo that the provisions in the Federal Election Campaign Act of 1974 relating to the use of personal funds by a candidate to fund a campaign and on overall campaign expenditures were unconstitutional. The court held that these provisions placed direct and substantial restrictions on the ability of candidates, citizens, and associations to engage in protected first amendment rights.

At the same time, the court upheld the limitations on contributions to candidates. In so doing, the court dismantled a carefully crafted package, each part dependent upon the other to reform the way campaigns were, in the 1970s, financed.

And so, Mr. Chairman, we are left with limits on how much a candidate can receive in contributions, but no limits on what wealthy candidates can spend on their own campaigns, or the total amount that a candidate can spend regardless of source.

That, Mr. Chairman, is how we got to where we are today. In the event that the package proposed by the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) passes, and I intend to vote for it on final passage, in the event that it passes, the court could very well dismantle this package by finding that the ban on soft money or the limitations on groups or individuals making independent expenditures are, in fact, unconstitutional. What we would be left with is another hodgepodge of campaign expenditure limitations that in essence will leave us in the same difficult situation that we find ourselves in today.

Therefore, Mr. Chairman, I support the amendment to add a nonseverability clause to this legislation. A nonseverability clause will ensure that if one part of Shays-Meehan is found unconstitutional, the whole package will be nullified. There is little reason to pass legislation which may ultimately end up looking like a piece of Swiss cheese. This should be a take or leave it proposition, and addition of the amendment offered by the gentleman from California to this bill will assure that either the whole package or no package will ultimately be the law of the land. To do otherwise risks that we suffer from the law of unintended consequences. We could wind up with the worst provisions of Shays-Meehan with the best provisions of Shays-Meehan being stripped out by the Supreme Court. If we really believe in campaign reform, we should support a package that hangs together, a package where every part of it is necessary for real reform, and we risk being left with only half a package if we do not insert a nonseverability clause.

Mr. Chairman, legislating is serious business. We should assume that the bill we are debating tonight will actually become law. And if it actually becomes law, it will be totally unfair to have this provision remain in part because the Supreme Court strikes down the best portions and leaves us with the worst. I ask that Members vote in favor of the Thomas amendment.

Mr. CAMPBELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have great admiration for the gentleman from California (Mr. THOMAS). I think his attitude about the separation of function that the Constitution provides between the Congress and the Supreme Court is insightful and that it really ought to be our job to write good laws and then the Supreme Court to uphold or strike them down, rather than to have the Supreme Court pick and choose. So he makes an awfully good case.

I rise, however, to speak against the amendment for two reasons. One is because I think it is important that we have a vote on Shays-Meehan, unamended, that the process once an amendment starts is going to be very hard to prevent from unraveling, and the very best chance that we have of having a vote in the other body is Shays-Meehan. I have my own proposal, I think it is preferable, I am allowed to say that, but it is true that Shays-Meehan/McCain-Feingold has the very best chance to be considered in the other body, and in that context it ought not be amended.

But, secondly, I believe that Shays-Meehan is constitutional, and so I devote the remainder of my time to that

subject, in that if it is constitutional in all respects, then severability becomes much less of a concern.

The two aspects of Shays-Meehan/McCain-Feingold that have been criticized are these. First the ban on soft money, and second the distinction between express and issue advocacy. As to the distinction of issue advocacy and express advocacy, those who argue Shays-Meehan is unconstitutional say that it is unconstitutional to consider as express advocacy anything that does not use the so-called magic words ''vote for.''

We are each entitled, indeed sworn to uphold the Constitution as we best see it by our own lights but if the judgement is to be what would the Supreme Court do, I draw to my colleagues' attention an opinion by the Supreme Court 10 years after Buckley v. Valeo, 10 years after the reference to the magic words, and that was in Massachusetts Citizens for Life in which the Supreme Court dealt with the question of did it have to use the magic words or not. It dealt with an edition of a flier that listed individual candidates.

The Supreme Court said:

> The Edition cannot be regarded as a mere discussion of public issues that by their nature raise the names of certain politicians. Rather, it provides in effect an explicit directive: vote for these named candidates.

So the Supreme Court 10 years after Buckley was clearly departing from the magic words test and was saying it is the effect of the communication, the effect of saying in this context these things about these candidates was to say vote for them. And so it was the effect rather than the presence of the magic words that was determinative.

The approach taken by Shays-Meehan is precisely that, suggesting or holding as matter of law that communications to the electorate using the name of a candidate or his or her picture in the last 60 days is, in effect, saying vote for or against that candidate. It is certainly within the first amendment to do so in my interpretation, far more importantly in the Supreme Court's interpretation as of 1986, 10 years after Buckley v. Valeo.

Second and last, the other component of the critics of the constitutionality of Shays-Meehan that is most commonly heard is the ban on the soft money. But the Supreme Court has also ruled on this in California Medical Association v. FEC in 1981. The Supreme Court upheld the limitation of $5,000 on contributions to PACs. Their argument was that if it was constitutional to have a limit of $1,000 on how much individuals could be contributing to a campaign, and yet $5,000 for a PAC, the purpose of avoiding corruption could be evaded by a wealthy individual or a person of influence giving the money to a PAC knowing that it would get to the benefit of the candidate. And so the Supreme Court held in California Medical Association v. FEC that the $5,000 limit on contributions to multicandidate PACs was constitutional. Well, so also here.

In order to avoid the evasion of the fundamental purpose of the $1,000 contribution, a donor could conceivably give the money to a political party and then, using the way the Supreme Court has interpreted the rules on soft money, know very well that that political party would get that money to the effective use of that candidate. And this is in reality. There are many instances that we know where it has been used in exactly that manner.

Accordingly, with those two explanations, it is my conclusion that there is nothing unconstitutional in Shays-Meehan and severability is not an issue, and, hence, I would not urge support of the Thomas amendment.

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

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

Mr. WHITFIELD. I thank the gentleman for yielding. All of us certainly admire and respect the gentleman's legal analysis. I want to read to the gentleman from page 249 of the Massachusetts case that he cited.

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

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

Mr. CAMPBELL. I continue to yield to the gentleman from Kentucky.

Mr. WHITFIELD. ''Buckley adopted the 'express advocacy' requirement to distinguish discussion of issues and candidates from more pointed exhortations to vote for particular persons. We therefore concluded in that case that a finding of 'express advocacy' depended upon the use of language such as 'vote for,' 'elect,' 'support,' et cetera. Just such an exhortation appears in the 'Special Edition' in this case. The publication not only urges voters to vote for 'pro-life' candidates, but also identifies and provides photographs of specific candidates fitting that description.''

So it seems to me in this case, they are definitely verifying and accepting the definition of express advocacy as set out in Buckley.

Mr. CAMPBELL. I appreciate the gentleman's intervention, and I return the compliment. He is also a scholar. I certainly respect his point of view. But recognize that the Supreme Court's holding in the Massachusetts Citizens for Life case was the intent, was the purpose of the communication, not the magic words. I emphasize the exact quotation that the gentleman gave me, the words ''such as,'' not the ''words'' but ''words such as.''

Indeed, I was going to quote from Buckley myself at 424 U.S. at 44, note 52, the Supreme Court says, before giving the magic words, ''such as.'' And so the test is not the presence of the actual words but whether the purpose and effect in context is to urge the election of an individual. It was the case in Massachusetts Citizens for Life, and so also it could be the case even if no specific magic word is present.

Mr. WHITFIELD. This says, ''Just such an exhortation.'' It says, ''Rather, it provides in effect an explicit directive: vote for these candidates.'' And that is the bright line test.

Mr. CAMPBELL. Mr. Chairman, I think it is probably time for me to conclude, although I will be pleased to yield to the gentleman from California.

I will just make one last point. The holding of Massachusetts Citizens for Life was intent and effect in the context.

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

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

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

Mr. DOOLITTLE. Mr. Chairman, I was just concerned. It is clear to me, reading the law, that you have to have words of express advocacy. I just wanted to make sure that it was the gentleman's understanding, my colleague from California, that we were not dealing with some reasonable person test or anything of that kind. There is a magic word. It has to be a word of express advocacy. It may not be the seven magic words, whatever the number that was actually enumerated in Buckley. But I think the law is quite clear. It has to be a term of express advocacy. Does the gentleman disagree with that?

Mr. CAMPBELL. I do. Once more, though, it is important to begin by an expression of respect. I do not doubt that my colleague from California is a careful student of the law. But the holding in Massachusetts Citizens for Life, and I am going to recur to the exact quote I used was, ''The Edition cannot be regarded as a mere discussion of public issues that by their nature raise the names of certain politicians. Rather, it provides in effect an explicit directive.''

So the distinction the court appeared to be directing its attention to was, you have over here a mere discussion of public issues, and you have over here what is in effect a directive. The turning of the logic is not on the use of the words. It is on, is this a discussion of public issues or is it a directive to vote? And so under that interpretation, I think it is quite fair to say that the inclusion of names that close to an election is a directive to vote.

Mr. DOOLITTLE. Mr. Chairman, I respectfully disagree with the gentleman's interpretation. I think that is not what the law says. The Supreme Court in Buckley has spoken and has reaffirmed as recently as Colorado and all the cases as far as I know that makes quite clear that we have to have a bright line. Because we do have that little phrase in the Constitution that

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

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

□ 1845

Mr. Chairman, I rise in opposition to this amendment. I think this last discussion gives a good reason why we should oppose this amendment.

Mr. Chairman, we cannot anticipate what a court will do. The way that this nonseverability amendment is written, it is so broadly written that if the Court made any significant changes, any changes at all, it could jeopardize other provisions in this bill, it could jeopardize the bill itself. It may not strike at what the author is trying to do by linking certain provisions of the bill together, but because of the way the amendment is written, it is very possible that we could jeopardize what we are trying to do here in getting enacted the Shays-Meehan bill. It also compromises the coalition that has been put together in an effort to make the first steps to meaningful campaign finance reform.

So for all those reasons on the merits I would hope that my colleagues would reject this amendment.

One problem that we have is that there are 435 experts in this body on campaign finance reform, but we are all experts in our own congressional districts, and we do not appreciate that we need to legislate that will affect all 435 of the districts, and we are going to be hearing some amendments that are going to be coming forward that are well-intended, that we think we have to package everything together or add additional provisions to this in order to make Shays-Meehan better. But the one thing that I would hope all could agree on is that Shays-Meehan is a good first step to campaign finance reform, and if we are interested in changing the current system, then we should resist amendments that jeopardize our ability to get Shays-Meehan passed in this body and the other body.

Mr. Chairman, it does deal with some major issues that are out there that my constituents, indeed I think all of our constituents, are asking us to deal with in campaign finance reform, and that deals with the use of soft money by our political parties where millions of dollars are being contributed basically without accountability and are being used to influence elections even though they are not supposed to be, and issue advocacy which we just heard the debate on which is clearly aimed at influencing elections and yet does not have the accountability of moneys being reported or spent according to election law.

So for all those reasons we have a chance to do something with the underlying bill that is before us in Shays-Meehan. The amendment that is being offered would jeopardize that because it turns over to the courts the ability to throw out this entire legislation even though there may be a minor issue that the Court may have disagreement with us on. It jeopardizes the work of what we have been able to do.

Mr. Chairman, I would urge my colleagues to reject the amendment.

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

Mr. CARDIN. I yield to my friend from California.

Mr. THOMAS. Mr. Chairman, I think the points the gentleman from Maryland (Mr. CARDIN) made in opposition to the amendment are exactly the reasons why I think the amendment needs to be supported, and the gentleman from Texas concurs.

First of all, the Court does not make constitutional decisions on minor provisions. I think my colleagues will find that the Court makes decisions on major provisions.

Mr. CARDIN. Reclaiming my time, Mr. Chairman, on that point I would say that is a matter in the eye of the beholder.

Mr. THOMAS. Exactly.

Mr. CARDIN. I have found some decisions made by our Court that leaves an awful lot to be desired, and it could very well deal with a minor provision here affecting it that would throw out the entire bill the way this amendment is drafted.

Mr. THOMAS. And if the gentleman would continue to yield?

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

Mr. THOMAS. What the gentleman is asking is the same position the gentleman from California (Mr. CAMPBELL) my friend asked, and that was that we should rely on expertise first of all—

Mr. CARDIN. Reclaiming my time, just the reverse. Almost every bill that we passed through this Chamber we put a severability clause intentionally in because we know that we can never anticipate what a court will do. We are the legislative body. Theirs is the judicial body. They have their responsibility. I do not claim to be the Justice in the Supreme Court, and they may do things that I disagree with. We put a severability clause in so that we can preserve our product in the case a court decides to strike part of it down.

Mr. THOMAS. And if the gentleman would yield, that is exactly what happened in the 1970s when we did not preserve the product. We created a law which did not work, and for 25 years we have not been able to make it work.

What we are trying to do, and I hope the gentleman understands the intent because it will be applied to every bill that has severability. Not all of the bills have severability. Some of the authors are willing not to include severability. The intent is to make sure that what Congress intended in fact occurs. If we have a severability clause, we are betting the Court either believes it is all constitutional or they will only pick out a minor portion. I think the gentleman will find it will not be a major portion, it will be a minor portion, and we are right back in the box of unintended consequences.

Mr. CARDIN. Reclaiming my time, we need to make progress wherever we can make progress, and if we can get through this Chamber and the other Chamber, signed by the President and through the courts, we need to take whatever progress we can, and enacting this amendment jeopardizes it.

Mr. THOMAS. Mr. Chairman, I will tell the gentleman, if he will yield, hodgepodge is not advancing the cause.

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

It is interesting to hear the lawyers debate what the courts might do. The fact is there is clearly concern that there are portions of this bill that are not constitutional. In fact, it is clear by the resistance of the people that oppose this amendment that they fully expect that the courts are probably going to strike down a portion of the bill. If they did not expect that, they would join us, and they would support the clause that says if part of the bill goes down, it all goes down.

The aggravating part of this is that the very sponsors of this bill have sent out to the Members of this body a bill, a letter, a dear colleague letter bragging about the fact that this is a balanced approach, that we should support Shays-Meehan because it is balanced, and they go on to explain why it is balanced.

So, if they are not supporting this amendment that says it either all stands or it all falls, what they are saying is we do not care if it is balanced, we do not care in the end if what we get is an unbalanced product, we still like it.

The fact is that they would like to call this campaign finance reform. I do not believe that is a correct term because reform means better, and I think what we got is something far worse. It is a change, it is a change in how campaigns will be conducted, it will be a change in who can speak and who cannot speak. But what it will do will not be better because it will force people who want to speak about elections, people that want to talk to the voters, and the voters that wish information, they will now have less information. They will have information from Citizens for a Better Democracy or citizens who like this democracy, and they will have no idea who put money in and how the money is being spent and what their ultimate motives are.

But the point is that they are saying that this bill is balanced, and then they tell us, if it ends up that only portions of it are constitutional, that that is okay with them, too. So why do they not say they do not care whether it is balanced or not? They like the bill.

Mr. Chairman, this body should support this amendment and make sure that what has been purported to us, that having balance is important, actually sticks with the bill in case it ever goes anywhere. In the meantime the

rest of us should worry a lot that there will be some groups who may be able to speak and some groups that will not be able to speak. That is exactly what starts happening when we start talking about free speech and who can participate in elections. We start deciding who has speech and who does not have speech, and that is why the courts strike it down, that is why they will strike part of this down, that is why they may strike it all down. But to tell us that it is balanced and then say we should pass it and they do not care if it is balanced because they oppose this amendment is flat wrong. It absolutely cheats the American people of being able to have the whole story, the whole truth, the whole message, free speech.

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

Mrs. NORTHUP. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentlewoman from Kentucky's remarks, and she is dead on, and if I could just take a moment to complement what she just said, although I am certainly not as eloquent as the gentlewoman is.

This is so important, and I wish we could do this all day and all night and every day because frankly this is a good debate to be having. It is one of the few debates in the long time I have been here that we are actually having, and frankly it is why most of us came here.

But in particular this amendment is vitally important because when we talk about campaign financing and campaign laws, mostly it is all sort of intertwined and related in one way or another. It is also we have a little problem with one group having an advantage over another group; that is why we have such a problem in the kinds of laws, FEC laws in 1974 that were totally written to protect the incumbents, and we all know that in fact that is why most of it was struck down by the courts. And so when we start regulating, we are picking winners and losers. Just like we would be regulating reforms or regulating anything else, we are picking winners and losers, and we are taking advantage based on who may have the votes.

But throughout the debate on this particular bill the proponents of Shays-Meehan have assured us throughout the debates that we already had in press releases and everything else that there are no constitutional problems with their proposal. Their curbs on speech in violation of the First Amendment have the Good Housekeeping seal of approval, or so they say. This amendment would give them a chance to put their money where their mouth is.

The CHAIRMAN pro tempore (Mr. DICKEY). The time of the gentlewoman from Kentucky (Mrs. NORTHUP) has expired.

(By unanimous consent, Mrs. NORTHUP was allowed to proceed for 2 additional minutes.)

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

Mrs. NORTHUP. I yield to the gentleman from Texas.

Mr. DELAY. If my colleagues think this is overreaching and what I think is a repressive piece of legislation will pass constitutional muster, well, then fine. Then they will have no problem with an amendment that will take the whole bill down if just part of it is declared unconstitutional. This amendment is a nonseverability clause. It would provide that if a portion of the bill is declared unconstitutional, the entire bill is null and void.

Now while the courts have not always regarded themselves as bound by severability clauses or the lack thereof, I think this amendment would serve as a powerful impetus for this bill to be upheld or overturned as a whole. Take, for example, what I think is a ridiculous and overdrawn provision dealing with the express advocacy clause. No one who has given this provision serious thought expects it to pass constitutional muster. Basically it would require an organization to report to government bureaucrats whether their campaign operation is an implicit advocacy of election or defeat of a candidate. The money spent to make these statements would be classified as political expenditures for the purposes of Federal election laws.

Well, the problem is that most legislative advocacy groups are prohibited by law from making political expenditures and by classifying legislative advocacy as such Congress may well outlaw their statements in the very unlikely event this provision is upheld by the Court. So characterizations of an office holder's vote as pro-life, or pro-choice, or anti-gun might therefore be illegal. Well, there may be office holders who relish the prospect of being insulated from criticism on their legislative provisions, but I hope there is very few of us in this Chamber that would relish such a thing.

The CHAIRMAN pro tempore. The time of the gentlewoman from Kentucky (Mrs. NORTHUP) has expired.

Mr. DELAY. Mr. Chairman, I ask unanimous consent that the gentlewoman be granted an additional 5 minutes.

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

Mr. SHAYS. Reserving the right to object, Mr. Chairman, I just would like to have some definition. Is the gentleman asking to strike the requisite number of words and use 5 minutes, or he is just asking unanimous consent to take 5 minutes and not strike the requisite number of words? I am just curious to know what he asked for.

Mrs. NORTHUP. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentlewoman from Kentucky.

Mrs. NORTHUP. Mr. Chairman, I think I am the one that has the floor, and I want to ask unanimous consent for five additional minutes.

Mr. SHAYS. No, I would object to that. There are people who are waiting to have 5 minutes, and I do not object to the gentleman asking to strike the requisite number of words and have 5 minutes, but there are people who are waiting to have time to speak, and the gentlewoman has already had 7 minutes.

Mr. Chairman, I just need to know what the process is. The gentlewoman had 5 minutes, and we extended 2 more minutes.

The CHAIRMAN pro tempore. Is the gentleman from Connecticut reserving the right to object?

Mr. SHAYS. I am reserving the right to object, Mr. Chairman, and ask this question: I am asking if the gentleman is asking to strike the requisite number of words and use his 5 minutes. Could I request that the gentleman strike the requisite number of words and we can proceed that way?

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

Mr. HEFNER. Reserving the right to object, Mr. Chairman, and I do not intend to object, but I would like to ask a question since I am probably not going to get any time and since my good friend from Texas (Mr. DELAY) is talking about the First Amendment. Let me ask the question, not being a lawyer:

These advocacy groups, and we get a mailing in the mail that does not have anybody that claims title to it, it just comes in the mail to Mr. and Mrs. Whoever, and they advocate something, but there is no return address, there is no name on it.

The CHAIRMAN pro tempore. Is there an objection to the request of the gentleman from Texas (Mr. DELAY)?

□ 1900

The gentleman from North Carolina (Mr. HEFNER) has reserved the right to object.

Mr. HEFNER. Mr. Chairman, I reserve the right to object.

The CHAIRMAN pro tempore. Would the gentleman from North Carolina (Mr. HEFNER) speak to that point please?

Mr. HEFNER. Well, I guess I reserve the right to object to try to get some kind of order here as to how much time is being allotted, because with all due respect, this is going to be kind of a filibuster of one opinion.

Mrs. NORTHUP. Mr. Chairman, I can clarify my request, just to allow the gentleman to finish.

The CHAIRMAN pro tempore. Would the gentlewoman suspend?

Has the gentleman from North Carolina completed his reservation?

Mr. HEFNER. No, I have not, Mr. Chairman.

Mrs. NORTHUP. Mr. Chairman, I control the time here.

Mr. WEYGAND. Point of order, Mr. Chairman.

Mrs. NORTHUP. Mr. Chairman, I would just like to ask that the gentleman be allowed to ask the question

of the gentleman from Texas (Mr. DELAY).

POINT OF ORDER

Mr. WEYGAND. Mr. Chairman, point of order. Please clarify my understanding that, right now, the Chair has denied the gentlewoman who has asked for an additional 5 minutes with unanimous consent. That has not been granted as of right now, so she does not control the time that is before us right now.

The CHAIRMAN pro tempore. The request of the gentleman from Texas that the gentlewoman from Kentucky (Mrs. NORTHUP) have 5 additional minutes is still pending.

Mr. WEYGAND. Therefore, Mr. Chairman, I object to it until we have a clarification from the whip, which I would love to have, about the procedure as to how we are going to proceed with time. There are many people here that would like to strike the last word, and we do not disagree with having the whip take the time that he needs, but if this is going to be continuous, we have an objection to it.

The CHAIRMAN pro tempore. Is the gentleman from Rhode Island objecting?

Mr. WEYGAND. Yes, I am, Mr. Chairman.

The CHAIRMAN pro tempore. Objection is heard.

Mr. DELAY. Mr. Chairman.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Texas (Mr. DELAY).

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

Mr. HEFNER. Mr. Chairman, will the gentleman yield for a question?

Mr. DELAY. Your side objected and I will not yield.

This is just unbelievable. This is going to be a very long debate, I have to tell my colleagues. This is going to be a very long debate, and if my colleagues want to stifle debate and open discussion, then do so. You tried to stifle debate.

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

Mr. DeLAY. Regular order, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. DELAY) controls the time.

Mr. DELAY. I thank the Chairman.

Mr. Chairman, the Democrat side once again objected to an open discussion that we were having that we asked to extend one time and then a second time, again.

Now, my colleagues cannot have it both ways. First, my colleagues ask for open and honest debate, many vote ''present,'' do not want to participate in a debate that they have been demanding for over a year; and it just amazes me that because they do not want one particular person to be speaking or to extend the time for a short period of time, because they may be inconvenienced and they have been standing there for all of 7 minutes, they want to stifle debate and stifle discussion.

Well, fine. We can operate that way. And if my colleagues on the other side of the aisle do not want to show their colleagues courtesy, then we will operate that way.

Now, Mr. Chairman, if I could finish my statement, that I was attempting to make before I was so rudely interrupted by those that would like to stifle debate and do not want open and honest debate, we are seeing the true colors right now, what has been going on for quite a while.

So in order to try to regain where I was headed, I am just trying to say that the Shays-Meehan amendment substitute may well have the practical effect of insulating Congress from criticism, and this is the kind of thing they want to happen. They do not want to be criticized. They do not want issue advocacy groups out there criticizing their votes; they want to hide it by regulating free speech. That is what this is all about.

If the First Amendment does not prohibit this sort of abomination, exactly what does rise to the level of its scrutiny? So the severability amendment before us would put this challenge to the draftsmen of the Shays-Meehan gems such as this.

To those proponents of Shays-Meehan, I would say this. If you believe your bill is constitutional, you should have no problem allowing it to rise or fall as a whole. If you do not believe your bill is constitutional, what exactly did you mean when you took your oath of office to uphold and defend the Constitution of the United States?

And to the Members of this body I would just say, if you believe that the Bill of Rights is a crapshoot where Congress has no responsibility for the constitutionality or unconstitutionality of the bills that it enacts, do not vote for the severability amendment. If you believe that squashing legislative advocacy groups is so important that it overrides your oath of office, then do not vote for this severability amendment. If you believe in cases of constitutional doubt that the presumption should lie against the Bill of Rights, do not vote for this amendment.

If you believe it is a sound practice to enact legislative wads of constitutional scraps in the hope that perhaps the Supreme Court may have a bad day when it adjudicates your bill, do not vote for this amendment.

On the other hand, if you believe, like I do, that the First Amendment was intended to protect, above all, the marketplace of political and legislative ideas, then we welcome your voice and your vote. But if you believe, like me, that it is a travesty to use the legislative process to attempt to shut down political opposition, as exhibited on the floor already tonight, then we welcome your vote and your voice. And if you believe, like me, that the First Amendment is at the core, about the vibrancy of political, legislative and philosophical debate, debate which would be gravely threatened by this misbegotten bill, then we would welcome your voice and your vote.

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

Mr. Chairman, I am sorry if I angered my good friend from Texas, but I wanted desperately to ask the question, since I did not have the time.

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

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

Mr. SHAYS. Mr. Chairman, I just wanted to point out, before the gentleman from Texas (Mr. DELAY) leaves, that the first bill in the Contract With America, the congressional accountability bill which he advocated and supported and took pleasure in signing, had a severability clause.

Mr. HEFNER. Mr. Chairman, reclaiming my time, the gentleman from Texas (Mr. DELAY) is gone.

Mr. Chairman, I have an awful lot of respect for the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) and the folks that have worked so hard for campaign reform.

We are awfully selective around here. I have been here for 24 years, and I have never seen a Committee on Rules that operates like this Committee on Rules does now. The other day, not a week ago, we considered a budget that is absolutely going nowhere, it is a total disaster, and they ignored Members offering a budget that possibly could have passed. But they were not entitled to offer that budget.

Now, here they are, they are allowing over 200 amendments and many of them are not germane. We are not the United States Senate, we have to have germaneness here. But the Committee on Rules says, we will waive all points of order and we can just go ahead and offer those amendments.

We talk about the First Amendment, and some of these people would seem to think that it is okay if some advocacy group sends out a letter or a postcard that says, if you vote for BILL HEFNER and Mike Dukakis, which happened in my election, there is no disclaimer on it, you do not know where it came from, and you say, if you shut that down, that is not violating their First Amendment rights. They have no rights if there is no entity out there that claims that they are responsible for that.

Mr. Chairman, I think that what this is is a sham to kill campaign reform. I do not understand the leadership on that side. If they want to kill campaign reform, put them together, one bill with everything they want in it, and take it and go one-on-one with the Shays-Meehan bill. But to say that we are cutting First Amendment speech is totally ridiculous and, to me, it is the first time in my 24 years that I have been in this House that the Committee on Rules is writing legislation and bringing it to this floor, and I think it

is a travesty. I do not think it speaks well for this House, and I do not think it is going to solve the problems of this country.

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

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

Mr. MCINNIS. Mr. Chairman, let me say to the gentleman, I am a little surprised by the gentleman's remarks on the Committee on Rules. I am on the Committee on Rules, and about 2 hours ago the gentleman from North Carolina (Mr. HEFNER) was in front of the Committee on Rules and they were speaking about retirement, and the gentleman certainly did not address the chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON) with the remarks that the gentleman is now addressing here. Of course, the gentleman from New York (Mr. SOLOMON) is not here.

Mr. HEFNER. Mr. Chairman, reclaiming my time, there was no reason to; we were not debating campaign reform. But if the gentleman from New York (Mr. SOLOMON) were here in this building, I would tell him that he is running a travesty, and he is running a dictatorial type of Committee on Rules, and he is writing the legislation of what comes before this House, and he is doing it with an overriding hand.

Nobody has any rights. The Committee on Rules is writing the legislation that comes to this House, make no mistake about it. The Committee on Rules is the Speaker's committee. He is absolutely telling the Committee on Rules, here is what you do, there is no deviation from it, and you bring it to the floor here; and that, to me, is not the way. You are just absolutely bypassing the legislative process, and that is not right.

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

Mr. Chairman, to the gentleman I would just say that I am just amazed, because the gentleman is taking an entirely different approach than the gentleman did just 2 hours ago when he was sitting in front of the Committee on Rules and he was complimentary and the Committee was complimentary of the gentleman. I have great compliments for the gentleman's service.

The other point I want to make here, and I heard it today earlier from the gentleman from Michigan, everything is fine with the Committee on Rules as long as it satisfies you personally, but the minute somebody else wants to offer an amendment to debate, all of a sudden this Committee on Rules is the most horrible committee in 24 years.

There are 200-and-some amendments. This campaign reform is one of the most significant pieces of legislation that has come onto this floor. The Committee on Rules said, wait a second, we think that because there is such a divisive feeling about this, a lot of people ought to be offered the opportunity to offer their amendments.

From that side of the aisle, I listened to the gentleman from Michigan earlier today, I listened to you. This is the gentleman's side of the aisle that is always complaining about the Committee on Rules never lets us offer amendments; the Committee on Rules never lets us offer amendments; the Committee on Rules never lets us offer amendments. It is a dictatorship; they just shut it off.

So when we offer the amendments, you are down here the next day saying, the Committee on Rules offers too many amendments; the Committee on Rules offers too many amendments. We are never going to make you happy.

Let me just say, especially based on the words I heard today, I am just very surprised by the comments of the gentleman from North Carolina (Mr. HEFNER).

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

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

Mr. HEFNER. Mr. Chairman, I do not understand what the connection is. I have no squawks with the Committee on Rules today. The gentleman from California (Mr. PACKARD), who is a very good friend, we did not offer waivers to nongermane amendments, and I am sorry if I neglected to congratulate the Committee on Rules, but I am not going to do that because I do not appreciate the work that the Committee on Rules is doing. It is no personal thing, but I do not appreciate it. But I do not see what the connection is about me being before the Committee on Rules. We just wanted to expedite it and get out of there.

Mr. MCINNIS. Mr. Chairman, reclaiming my time, let me say that the gentleman's remarks, if he takes a look at them in the transcript, he will find that they are very broad, not limited specifically to this bill: ''24 years, we have never seen a committee run like this committee.''

Two weeks ago with the budget, they did not do this. I tell my colleague, if the chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON) were standing right here, the gentleman and I both know the gentleman from New York, he would be red in the face.

Mr. HEFNER. Mr. Chairman, call the gentleman from New York (Mr. SOLOMON).

Mr. MCINNIS. Mr. Chairman, again reclaiming my time, I hope that the gentleman from New York (Mr. SOLOMON) has the opportunity.

Now, let us focus on this other bill and the importance of that issue.

It is like going to a car dealership and, frankly, you people want to sell us a car. You say, all right, tell me about the car. It is a great car. What happens once I buy the car and I get out, what if a key part of the car, the motor does not work? Can I bring the car back? Oh, no, no, no. You take the car.

If a key part of it, i.e., just like in a bill, if a key part of it is unconstitutional, you still have to take the bill. That is what you are saying to us.

I think that the whip brought up a very good point. This is a very complicated piece of legislation. It is very ''intertwined,'' I think was the word that was used by the whip. One part depends upon the other part that depends upon this part. It is just like in the car. The car has lots of parts that depend on that motor, and the motor has lots inside it that depend on the fuel and other parts.

So what we are saying is, wait a minute. Either this car is good enough that you are saying to me if it breaks we will give you another car, if the motor goes out. That is what we are asking here.

□ 1915

We are saying if our colleagues are so confident about this bill, then if a key part of the bill is found unconstitutional, which all of them deny it is, they are all saying it is very constitutional and this is constitutional to do this, this is constitutional to do that, I say back it up. Support.

What we are saying is if it is not, let us bring it back to the drawing board. Bring the car back to the garage. Do not say to the buyer of the car, ''Sorry. The motor broke, but we do not allow that. You are going to have to keep this car.'' We are saying bring it back. That is a pretty logical request to make.

The CHAIRMAN pro tempore (Mr. DICKEY). The time of the gentleman from Colorado (Mr. MCINNIS) has expired.

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

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

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

Ms. RIVERS. Mr. Chairman, I wanted to make sure the gentleman understood this issue in context. The argument seems to be that only people who are concerned about the constitutionality of their bill would disagree to a nonseverability clause. But a very quick review of legislation in this Congress finds, as best I can tell, only four bills, only four bills that had been printed and distributed without a severability clause.

Mr. Chairman, I also find that if we are concerned that people who promote the idea of having a severability clause really are not clear about the constitutionality, I find that the gentleman from Florida (Mr. CANADY), who is the chair of the Subcommittee on the Constitution, put a severability clause in his Religious Liberties Protection Act. And the gentlewoman from Kentucky, who has argued this very vigorously who was an original cosponsor of House Resolution 456 for drug testing, also put a severability clause.

So if there are only four, why are we suddenly directing all of this wrath?

Mr. McINNIS. Mr. Chairman, reclaiming my time, I do not disagree point blank or broadly against severability. I think it is appropriate. But let me say that it is the gentlewoman from Michigan (Ms. RIVERS) and individuals such as the gentlewoman, that are saying to the country out there: This is absolutely constitutional. This is not a breach of the freedom of speech. This campaign reform, do not let anybody divert attention by saying it is unconstitutional. It is constitutional.

What happens is the gentlewoman then gets out there, saddles this thing on a lot of people, and I frankly believe parts of it are unconstitutional. But until it gets to the Supreme Court, my colleagues are able to squash the constitutional rights on something that you are going across the country, and I say ''you'' generically, that that side that is supporting this, the Democrats are going across the country guaranteeing everybody this is constitutional.

They criticize us. Every time that I have said about this bill I think there are some unconstitutional provision, I get criticisms. Why do I dare question the constitutionality?

Mr. Chairman, my point is this. If the gentlewoman would criticize me for questioning the constitutionality, then she should back up her product.

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

Mr. Chairman, I would like to try to get back to the substance of the bill that is before us and the amendment that is before us.

Mr. Chairman, it is interesting, the debate that we have had. The majority whip came up and talked very eloquently about the problems that he foresees with the perception that he believes that we are trying to bring to the American public. But let me tell my colleagues, I do not think any of us on this side of the aisle or that side of the aisle think that the Congress is perfect.

When we first set up this great assembly and this great body and this country, we recognized that there may be errors made by this Congress and we have a system called a Court which reviews those errors.

So if the public is watching out there, if we make a mistake in a piece of legislation, whether it be a comma, whether it be a substantial piece that may be unconstitutional, we have always, almost religiously included a severability clause. Almost every general assembly across this country does exactly the same thing, because of the check and balance system that we have before us makes sure that at least we can get part of the bill if not all of it.

Some of the comments this evening are that we have for some reason said that the Shays-Meehan bill is perfect. Well, the Shays-Meehan bill really addresses an original or substantive part of campaign finance reform and attaches to that statute many different pieces, addresses different parts. Soft money, a number of other things besides soft money, with disclosure.

Mr. Chairman, each one of those things are important elements to campaign finance reform. By themselves, they may not be as important as the whole. But individually they are important. And if one part of that happens to be unconstitutional, I am not so proud, nor do I think any of our other Members here are so proud, to say that it is without doubt we are absolutely perfect and that we should not think at all that any piece is unconstitutional.

But take a look at what we are really trying to do. Shays-Meehan is trying to correct one of the most egregious problems of campaigns today and that is the issue of soft money. We all on both sides of the aisle take political action committee money, or most people do. We all have caps on those and we have many other wealthy people or poor people who contribute to our campaigns. But one of the most difficult things for the general public, who is most important in this discussion, is they do not understand how these issue advocacy ads and thousands and millions of dollars are going in to campaigns without disclosure, without one person understanding or knowing where it is coming from, yet having a great impact on how campaigns are determined.

But more importantly, as I stated yesterday and last night, the whole issue of this body is to have people that have their finger on the pulse of America. The pulse of the people is what we are supposed to be monitoring and be a barometer of.

So often we try, and both sides are out there trying to scoop up as much money as we possibly can to get out there and talk about the issues that we think are the most important. But the average American finds it very difficult to run in a campaign when, in fact, there is so much additional money besides what we presently have limits on, political action committee money or additional contributions.

Shays-Meehan makes a dramatic attempt to correct that. It may not be everything we want in campaign finance reform, and that is why we over here are in favor of putting on the White amendment that would provide a commission. We think that we should move forward, not that this is the end-all of reforms for campaign finance, but it is the beginning. It is a major step.

Mr. Chairman, to camouflage it with this poison pill by providing nonseverability is an attempt to deny the public an opportunity for clear finance reform.

Mrs. NORTHUP. Mr. Chairman, will the gentleman yield?

Mr. WEYGAND. I yield to the gentlewoman from Kentucky.

Mrs. NORTHUP. Mr. Chairman, I think the gentleman from Rhode Island has very eloquently pointed out the difference between the perspectives here. Mr. Chairman, I would ask if the gentleman would agree that if we believe every point of this bill by itself is good, then severability makes sense. But if the Court struck out any two provisions, any three provisions, any one provision of the Shays-Meehan bill, what I believe I heard the gentleman say was it is still a great beginning and he supports it.

The CHAIRMAN. The time of the gentleman from Rhode Island (Mr. WEYGAND) has expired.

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

Mr. WEYGAND. Mr. Chairman, the gentlewoman from Kentucky has struck a very poignant part of our argument. We believe that if one or two or three parts of this bill, or other parts of the underlying statute which we are amending, existing law, were found by the Court to be wrong, then they should be severed away from it and taken away from it. It does not mean that the rest of it should not stand.

Let me give an example which is totally different. The Tax Code. Tax law. We passed tax bills last year. Monumental tax revision. If any one piece of that tax bill fails, I am sure that the gentleman from Texas (Mr. ARCHER) and the Committee on Ways and Means and this Congress and this Senate would make provisions to try to correct the mistakes. But do we put a nonseverability clause on the tax bill?

Mrs. NORTHUP. Mr. Chairman, if the gentleman would again yield, if I can answer that because I think this is such an important clarification.

Mr. Chairman, we do not put nonseverability because those of us that voted for that tax cut believed each one of those cuts stood on their own merit, had a merit of their own.

For those of us that are asking for support for the nonseverability, we are saying that if Members believe that balance is important, and this is a balanced product and that if two or three points of it would be struck down by the courts and the rest of it would create an imbalance, severability would be important.

Mr. WEYGAND. Mr. Chairman, reclaiming my time, our sole intent here is to make sure that Shays-Meehan stands, in part or in total. This amendment that is being offered by the gentleman will, in fact, provide us with a total failure. It is a poison pill that will ruin Shays-Meehan, and it is intended to do so.

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

Mr. Chairman, I have been wanting to have some time for a while because I first want to speak on process, and I hope the gentleman from Connecticut (Mr. SHAYS) is listening, and I do not know if the gentleman from Texas (Mr. DELAY) is here or not. But I cannot let pass the nuance that the gentleman

from Connecticut was in some way trying to interfere with the free flow of debate on this floor or was in any way disrespectful of his colleagues.

Mr. Chairman, it has been my experience in the 6 years that I have served in this House that there is not a Member of the House of Representatives who is more courteous, who is more respectful of his colleagues, who is more polite than the gentleman from Connecticut. He is a gentleman par excellence, and his motives in that regard should not be questioned.

Mr. Chairman, it was clear that his concern simply was that in the format where we each seek 5 minutes and an infinite number of yields might prevent others from having an opportunity to speak. And it was only, I know, because of his courteous respect for his colleagues that he made that point and I think that should be clarified.

On the merits of severability, the gentleman from California (Mr. THOMAS), neither he nor the proponents of his amendment have yet made the case that the elements of the Shays-Meehan bill, in fact, hinge upon and were dependent upon one another. The fact of the matter is that they are not.

The first provision, the most important provision is that this bill bans soft money. Americans by overwhelming majorities understand that when huge corporations or huge labor unions are able to contribute huge sums of money to the parties, that they buy undue influence that individual Americans could never ever achieve. And Americans think that is wrong because this is not government by the corporations, for the corporations, or by the labor unions, for the labor unions. It is government by and for and of ''We the People.''

Americans understand that people should contribute to candidates, not corporations, not to parties, nor should labor unions.

Now, Mr. Chairman, that is meritorious on its own regard. If the Supreme Court decided that codifying Beck with regard to paycheck protection or with regard to contributions by union members was unconstitutional, that in no way minimizes the value of banning soft money. No more than getting rid of sham issue ads, where they get around the rightful limitations on contributions of hard money and use other funds to go right after a specific candidate and malign him and attack him without ever owning up that the purpose of that ad was to go after a specific candidate. That stands on its own merit entirely.

Whether the limitation on what wealthy candidates contribute was to stand or fall in the courts has nothing to do with the merits of getting rid of these sham ads, any more than limiting the ability of incumbents to use the franking privileges all the way up to elections. If that stands or does not stand in the Supreme Court, it has nothing to do with whether foreign money and fund-raising on government property should stay in law.

So until the proponents of the Thomas amendment can show in any way how these components of the Shays-Meehan act rely on, depend on, cannot exist without the other, they have not made anything like a case.

□ 1930

The fact of the matter is that these provisions all stand on their own. All have merit, individually or collectively, and are not dependent upon one another in order to accomplish real campaign finance reform. I urge a ''no'' vote on the Thomas amendment.

Mrs. NORTHUP. Mr. Chairman, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentlewoman from Kentucky.

Mrs. NORTHUP. Mr. Chairman, what I would say is that there are different ways for different people to influence elections. The fact is, soft money, I believe, is a very good form of support for our parties. If GE gives $100,000 to the Republican Party, whatever candidates they help have no idea who gave that money, have no idea whom they might owe.

In fact, the only thing that they are thankful for is the fact that their party, whom they already agree with, their principles, supported them.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GREENWOOD) has expired.

(By unanimous consent, Mr. GREENWOOD was allowed to proceed for 1 additional minute.)

Mr. GREENWOOD. Mr. Chairman, in response to the gentlewoman's comments, it may be the candidates do not know where the money came from, but it is certainly the case that when the XYZ Corporation gives a huge sum of money to the Democratic or the Republican Party, Members of Congress in the House and the Senate were involved in raising that money.

When the vote comes before the House, they are not adverse to reminding Members, the XYZ corporation or the XYZ labor union just gave us a million dollars, and they will really appreciate the right vote here. Do you think that does not happen?

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

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

Mr. LEVIN. Mr. Chairman, my colleague is 100 percent right. It is so cynical for anybody to suggest that the people who are in office, who helped raise the money in many cases, do not know the source of the funds. The gentleman from Pennsylvania (Mr. GREENWOOD) is so right.

The problem is, the public does not know. But the recipients, the parties, do know.

Mrs. NORTHUP. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore (Mr. DICKEY). The time of the gentleman from Pennsylvania (Mr. GREENWOOD) has again expired.

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

Mr. HEFNER. I object, Mr. Chairman.

The CHAIRMAN pro tempore. No timely objections were heard. The gentleman from Pennsylvania (Mr. GREENWOOD) is recognized for 2 additional minutes.

Mrs. NORTHUP. Mr. Chairman, will the gentleman yield?

Mr. GREENWOOD. Mr. Chairman, I yield to the gentlewoman from Kentucky to see what she says and to decide if I want to continue to yield.

Mrs. NORTHUP. Mr. Chairman, I will just point out that we all know who gives to the parties because it is reported. But if the XYZ Corporation thinks they want to influence an election, now they can give it to an independent organization, which is the part of the bill we think will become unconstitutional; and no one, no public has any ability to know they got $100,000 or whether they told the candidate that they gave $100,000. That is the sort of illegal action that has happened in States where they have previously passed this kind of legislation. I am sorry we cannot hear the rest of the story.

Mr. GREENWOOD. Reclaiming my time, Mr. Chairman, the fact of the matter is, we can be for soft money, as the gentlewoman is, and be against it, as I am; and that is a legitimate and reasonable debate.

The issue in this amendment is whether the ban on soft money is or is not a good idea, depending upon whether the courts decide that the ban on raising money in public offices stands or it does not.

These provisions have merit on their own. They do not hinge one upon the other. They are not dependent upon one another for their effect. They should not be subject to this sham amendment which I think, although I have nothing but respect for the gentleman from California, is really intended to undo the provisions.

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

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

Mr. DOOLITTLE. Mr. Chairman, is the gentleman saying there may be provisions in this bill that could be deemed unconstitutional?

Mr. GREENWOOD. Mr. Chairman, reclaiming my time, what I am saying is that the proponents of this amendment have yet to make a coherent argument that, in fact, one provision of this bill relies upon the other. The burden of proof on an offer of an amendment is to prove that their argument has validity, and you have not done that.

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

Mr. Chairman, let me begin with the assertion from the gentlewoman from Kentucky that when an individual

gives $100,000, or a corporation, to a political party, the candidates do not know who gave that. I would nominate that for the single most astounding thing said on the floor of the House since the gentleman from California (Mr. Dornan) left our premises. No one I know of thinks that that comports with the facts. Of course the candidates are made aware of who gave the soft money.

Next, I want to talk about the rule. I do not know if the gentleman from Colorado is still here. He was waxing indignant because people criticized the rule. He said, you know, you come to us, and you ask for amendments, and you ask for amendments, and you ask for amendments; and we say, no, you cannot have this, and, no, you cannot have that, and, no, you cannot have this; and then we make 417 nongermane amendments in order to this bill, and you are ungrateful.

As a matter of fact, that is precisely our point. The majority has made it clear, when they want a bill to pass, they restrict amendments unduly. The chairman of the Committee on Rules boasted on this floor that he would not allow any amendment to the defense bill, including one cosponsored by myself and the gentleman from Connecticut that would have allowed a cut in the defense bill.

He would not allow one to have us remove our troops in Bosnia, cosponsored by three Democrats and three Republicans. Amendments were kept off the bankruptcy bill. Amendments have been kept off bills.

So my colleagues are right, we do point to the glaring difference between a refusal to allow basic important amendments to bills and then loading this down with nongermane amendments. That is clearly a sign of people who do not want to have this bill.

Do my colleagues want to know what this rule is and this procedure is? This is filibuster envy. We have people here who may not make it to the Senate on their own, so they will try and change the rules so we can filibuster.

I sympathize with my friends who try to get before them. I do not agree with them. But it is a sign of how overwhelmingly opposed the Republican leadership is to letting this bill get decided, that my good friends, men of integrity and women of integrity who worked hard, have to claim as a victory that they are going to let us vote on it in August. That is, I think, a sign of how much they are not for this bill.

Mr. Chairman, I want to get to severability, but first I will yield to the gentlewoman from Kentucky.

Mrs. NORTHUP. Mr. Chairman, will the gentleman yield for a question?

Mr. FRANK of Massachusetts. Mr. Chairman, I just said I would yield to the gentlewoman from Kentucky.

What was her question?

Mrs. NORTHUP. Mr. Chairman, I was just wondering if the gentleman can name, for example, five contributors that have given $100,000 to his party. I could not name that.

Mr. FRANK of Massachusetts. Mr. Chairman, right now Bernard Schwartz comes to mind. He is the man from Loral. Then the National Education Association, the United Auto Workers. Oh, the Teamsters.

Mrs. NORTHUP. Mr. Chairman, let me ask the gentleman another question.

Mr. FRANK of Massachusetts. I am sorry, the gentlewoman asked one question, teacher. Excuse me, but I answered one question, and then I will talk some more, and she can ask another.

Mrs. NORTHUP. All right.

Mr. FRANK of Massachusetts. Because I do want to get to severability.

This notion that you cannot have severability, there is a constitutional doubt, I am struck by the number of conversions I am seeing today, first because we have the majority whip who is a born-again constitutionalist.

In the 14 years I have known him, he has voted for a number of bills that were found unconstitutional without any hesitation. He has never, in my hearing, defended free speech, but all of a sudden he is a great defender of the constitutionality of free speech and of nonseverability.

Let me talk about the telecommunications bill. It was voted out of this Congress in early 1996 with a blatantly unconstitutional provision called the Communications Decency Act, which purported to restrict what adults can say to each other on the Internet even when it wasn't obscene. Over and above obscenity, it said, we may not be indecent to each other. That passed.

The Supreme Court struck it down 9–0. Every member of the Supreme Court said, Clarence Thomas, Justice Scalia, this is blatantly unconstitutional. We cannot do it. I guess I must have been absent the day the majority whip, the arbiter of free speech, objected to that.

But do you know what, the bill had a severability clause, because if we had done it the way Members here are now advocating, that whole telecommunications bill would have been thrown out, because the telecommunications bill contained a blatantly unconstitutional provision.

As you might have inferred from the fact that I am drawing on it at length, I voted against the bill because I knew that it was unconstitutional. However, all the rest voted for it, over 400. I did not do that well in that vote.

People who voted for that blatantly unconstitutional provision and then saw it survive because of a severability clause, if they come to us now and say, we are just unable to vote for anything about which there is constitutional doubt, and we must have a nonseverability clause, do not impress me that that is, in fact, what motivates them on this particular bill.

We have another problem with this rule, and let me use a technical term to describe this rule, ''cockamamy.'' With this cockamamy rule, my colleagues have more loops and whirls.

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, what we have here is a procedure whereby the Committee on Rules, which would not allow the amendment of the gentleman from California (Mr. CONDIT) to the budget, would not allow on the other bill, he would not allow the Senate budget as a budget amendment here, would not allow an amendment on Bosnia, the defense bill, it has allowed nongermane amendments and other amendments.

Given the strategy that is being followed of people who want to beat this bill, but do not think they can do it head on, here is what I think we are likely to see: A nonseverability clause, if adopted, will then become the invitation for an unconstitutional amendment. What will happen will be this; here is the scenario:

They get a nonseverability clause adopted. Then they come up with an unconstitutional amendment, but one Members are afraid to vote for. If you doubt that, let me remind you that we voted for a Communications Decency Act by over 400 votes that the Supreme Court threw out 9–0.

So here is how they help to defeat Shays-Meehan. They adopt, rarely, for only like the fifth time this year it is even considered, a nonseverability clause. Then they use this rule to come up with an overwhelmingly appealing, but dubiously constitutional amendment. They get it put in, and they bring down the whole bill.

If we were talking only about Shays-Meehan and there was no chance of an amendment, then I would be less concerned about nonseverability. But you are asking for the right to put in a nonseverability clause and then come up with transparently political amendments which have overwhelming appeal, which Members this close to an election might not want to vote against, and then you would bring down the whole bill.

I think nothing could be clearer from the jumping and whooping and leaping that is going on here that people want to do anything but debate Shays-Meehan.

It is possible, by the way, that we will at some point adopt something that is in the gray area in the Constitution. That is an appropriate thing to do. That is the way we give the court a chance to test itself. But to tell us with this rule, this travesty of a rule aimed at trying to kill the bill, that we should adopt a nonseverability clause so Members can put an unconstitutional amendment in is asking the bill to commit suicide.

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

Mr. Chairman, I want to get back to the subject of amendment 132, proposed by the gentleman from California (Mr.

THOMAS) and deal with that, and then come to some of the allegations that have floated through this Chamber again about how we are impinging on free speech.

The chairman was right when he referred back to Buckley v. Valeo and how it was handled by the United States Supreme Court. Because in Buckley v. Valeo, the court made a distinction between contributions and expenditures, and we wound up with half of what the Congress had passed.

So there is always a risk when an amendment is brought before this body when we seek to pass legislation, there is always a risk that a portion of that legislation may be held unconstitutional. But in trying to avoid the problem created by Buckley v. Valeo, we are really undermining our chances of campaign finance reform.

What we are trying to do here is to pass a soft money ban. I disagree with the gentlewoman from Kentucky (Mrs. NORTHUP). We can read all the reports we want. We know who gives money to the national parties. If we can just look at the reports of the Republican Party, we will see $6 million or $7 million in money from the tobacco companies coming to the Republican Party, and that is soft money because it comes from corporations.

Corporations have not been able to give to Federal candidates for decades, and yet, they can give money to the national parties, and that money can be used for issue ads that will go out and will affect Federal elections. That is wrong. That is why we need to ban soft money.

Both the freshman bill and the Shays-Meehan bill do that. They have effective soft money bans. It is disingenuous for people to stand up and say they believe in a balanced bill. They believe it is constitutional. Therefore, we should simply go ahead and adopt a nonseverability clause.

Nonseverability clauses are the exception rather than the rule. What is going on here? There have been innumerable efforts to kill campaign finance reform, real reform in this hall, in this session. What is going on now is an attempt to adopt an amendment that would have a chance of killing in the courts any campaign reform, either Shays-Meehan or Hutchinson-Allen, that passes this particular body. We do not want that to happen.

Amendment 132 should be voted down. We do not want a nonseverability clause. If you simply look at the people who are advocating for this particular reform on the Republican side, they are not sponsors of Shays-Meehan; they are not sponsors of Hutchinson-Allen.

□ 1945

Now, let me go back for a moment to the claims that are made periodically here that we are infringing on free speech. Let us go back to Buckley v. Valeo. That court held clearly that in order to prevent corruption, or the appearance of corruption, the Congress could act to impose restrictions on campaign contributions. It is absolutely clear from that decision and from other decisions that it is constitutional to ban soft money.

In a recent case, the court said if it appears that soft money is being used as a way to avoid hard money limits, then the Congress could reconsider what it has done so far on soft money.

Let us talk about what that means in the real world. In the real world, an individual can only give $1,000 to a candidate, but they can give $100,000 or $500,000 to a political party, and that money can be used for issue ads to affect a Federal election.

That is wrong. It needs to be stopped. We have got to contain the influence of big money in politics, and we cannot be diverted by arguments that we are jeopardizing free speech.

I believe Shays-Meehan is constitutional. I believe the freshman bill is constitutional. But in any bill that we pass, there is always some risk. There is always some risk. And so what we ought to do is stop all the posturing and simply say what we want is a bill to come out of this Congress that will not only pass the House and pass the Senate and be signed by the President, but will withstand constitutional scrutiny, and when it is done, will not be ruled in its entirety unconstitutional because of some minor provision.

Mr. SOLOMON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PETERSON of Pennsylvania) having assumed the chair, Mr. DICKEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4059, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1999

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–585) on the resolution (H. Res. 477) providing for consideration of the bill (H.R. 4059), making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4060, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–586) on the resolution (H. Res. 478), providing for consideration of the bill (H.R. 4060) making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, JUNE 19, 1998, TO FILE PRIVILEGED REPORT ON DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mrs. NORTHUP. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Friday, June 19, 1998, to file a privileged report on a bill making appropriations for the Department of Agriculture, Rural Development, Food and Drug Administration and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kentucky?

Mr. FRANK of Massachusetts. Reserving the right to object, Mr. Speaker, just to ask how many nongermane amendments were made in order by the rules that we just filed?

Mrs. NORTHUP. It is an open rule, sir.

Mr. FRANK of Massachusetts. No nongermane amendments, though?

Mrs. NORTHUP. But I was happy to yield to the gentleman's question.

Mr. FRANK of Massachusetts. The gentlewoman did not yield, I reserved the right to object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XXI, all points of order are reserved.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2183.

□ 1950

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R.