

costs to fund these groups in fiscal year 1998, or \$43.8 million, are dedicated to support the highest priority public involvement efforts. We will continue to work with the Congress to assure that all advisory committees that are required by statute are regularly reviewed through the congressional reauthorization process and that any such new committees proposed through legislation are closely linked to national interests.

Combined savings achieved through actions taken by the executive branch to eliminate unneeded advisory committees during fiscal year 1997 were \$2.7 million, including \$545,000 saved through the termination of five advisory committees established under Presidential authority.

During fiscal year 1997, my Administration successfully worked with the Congress to clarify further the applicability of FACA to committees sponsored by the National Academy of Sciences (NAS) and the National Academy of Public Administration (NAPA). This initiative resulted in the enactment of the Federal Advisory Committee Act Amendments of 1997 (Public Law 105-153), which I signed into law on December 17, 1997. The Act provides for new and important means for the public and other interested stakeholders to participate in activities undertaken by committees established by the Academies in support of executive branch decisionmaking processes.

As FACA enters its second quarter-century during fiscal year 1998, it is appropriate for both the Congress and my Administration to continue examining opportunities for strengthening the Act's role in encouraging and promoting public participation. Accordingly, I am asking the Administrator of General Services to prepare a legislative proposal for my consideration that addresses an overall policy framework for leveraging the public's role in Federal decisionmaking through a wide variety of mechanisms, including advisory committees.

By jointly pursuing this goal, we can fortify what has been a uniquely American approach toward collaboration. As so aptly noted by Alexis de Tocqueville in *Democracy in America* (1835), "In democratic countries knowledge of how to combine is the mother of all other forms of knowledge; on its progress depends that of all the others." This observation strongly resonates at this moment in our history as we seek to combine policy opportunities with advances in collaboration made possible by new technologies, and an increased desire of the Nation's citizens to make meaningful contributions to their individual communities and their country.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 14, 1998.

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.

□ 1730

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Friday, June 19, 1998, pending was an amendment numbered 82 by the gentleman from California (Mr. DOOLITTLE) to amendment number 13 by the gentleman from Connecticut (Mr. SHAYS). Is there further debate on the amendment?

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

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

There was no objection.

Mr. DOOLITTLE. Mr. Chairman, this is the amendment that basically protects voter guides to be distributed by groups. The Shays-Meehan bill severely chills the freedom of speech in this regard and places restrictions that will subject anybody currently distributing voter guides to second-guessing by a Federal czar, and the imposition of sanctions should the second-guessing be interpreted as a violation of the provisions of the Shays-Meehan law.

For this reason I have offered this amendment to make clear that organizations that do voter guides are exempt from the application of this law and may continue to issue their voter guides without fear of chilling their freedom of speech or of being intimidated. And the intimidation that I am talking about is the intimidation of having to spend \$400,000 or \$500,000 in attorneys' fees and months of disruption of schedules preparing for depositions, et cetera, for the act of exercising their right of free speech protected by our United States constitution, and which I feel the Shays-Meehan bill impinges upon. For that reason I have offered this amendment.

I have, Mr. Chairman, an illustration of a voter guide. If I may, I am going to switch positions here to bring that up and illustrate it. This is an illustration of a 1994 Christian Coalition voter guide for the Iowa Congressional district, district number 4, the district of the gentleman from Iowa (Mr. GANSKE). This is distributed, as I am sure Members know, typically in churches.

The Christian Coalition describes itself as a pro-family organization. This includes different positions on

issues, from Federal income taxes, the balanced budget amendment, taxpayer funding of abortion, parental notification for abortions by minors, voluntary prayer in public schools, homosexuals in the military, promoting homosexuality to schoolchildren.

Now, the Shays-Meehan language that my amendment seeks to replace says that an organization can only do voter guides in an educational manner, and in a way that no reasonable person could conclude that that group is advocating the election or defeat of a candidate. Well, it is quite clear from the context of this voter guide, it is distributed in churches, and the Christian Coalition describes itself in a statement down here, as a pro-family citizen action organization, quote-unquote.

So when we take those words in context, then, when they rank somebody as having a position on homosexuality in the schools or on abortion, that ranking could be interpreted by the Federal czar as advocating the defeat of a candidate and, therefore, as being proscribed. My amendment just protects this voter guide.

And I have heard several supporters, or I understand several supporters of Shays-Meehan have indicated in their opinion that this type of thing could continue to be distributed. I am just saying that based on the reading of the law as being proposed by Shays-Meehan and their supporters, it would not be allowed. That is why I am offering my amendment, to make clear that this can be allowed, so that organizations who do voter guides can characterize the positions of the candidates.

The gentleman from Texas (Mr. DELAY) is going to bring up here another one from the NAACP, and that has zeros and heroes, I believe is the characterization. I think that ought to be able to continue to be allowed. It would be proscribed under Shays-Meehan. And for that reason, I think it needs to be amended in the way that I have proposed in order to allow the unfettered discussion to occur near election time by organizations exercising their first amendment rights to comment on candidates and on elections.

And that basically, Mr. Chairman, is the purpose of my amendment.

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

Mr. Chairman, what the previous speaker was indicating with the voter guide can easily be made available under the Shays-Meehan bill. It is not a problem in getting that type of voter guide out. It easily can be done, either in the method it is, or by very minor modifications. The problem with the amendment before us is that it would allow almost anything to be sent out and would gut the protection on express advocacy in the Shays-Meehan bill. That is the reason why we must oppose it.

There is already a provision in the underlying bill that allows for voter guides. Voter guides are permitted if

they present information in an educational manner solely about the voting record or position of a candidate on a campaign issue of two or more candidates, that is not made in coordination with the candidate's political party or agent of the candidate or political party. There are specific provisions in Shays-Meehan that would allow it.

The amendment before us would gut an essential provision in the bill. It would not allow voter guides, it would allow just about any type of express issue advocacy without the restrictions that are currently contained in the Shays-Meehan bill.

Mr. Chairman, what we are trying to do here is bring forward a reasonable campaign finance reform proposal that has bipartisan support, that deals with issue advocacy, that deals with soft money, that deals with some of the other problems that we all agree need to be addressed. The Shays-Meehan bill will do that. The amendment before us does not permit voter guides, the amendment before us would gut the provision that deals with issue advocacy in the underlying bill.

If there was a need to adjust the language for voter guides, let us talk about it. But that is not what this amendment would do. Voter guides are permitted under the underlying bill. This amendment is unnecessary. It jeopardizes the ability for a bipartisan bill. I urge my colleagues to reject the amendment.

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

Mr. Chairman, first I wanted to say to my colleagues that this afternoon we continue the effort to restore integrity into the campaign process. The substitute proposed before the chamber, the Meehan-Shays proposal and McCain-Feingold in the Senate, seeks to ban soft money, the unlimited sums by individuals, corporations, labor unions and other interest groups. It seeks to recognize sham issue ads as they are, campaign ads, and put them under the campaign law. It seeks to codify Beck. It seeks to improve the FEC disclosure and enforcement. It seeks to ban district-wide franking 6 months to an election. And it seeks to ban foreign money and fund-raising on government property.

We have an amendment before us right now which basically seeks to gut the second part of our proposal dealing with the sham issue ads. Now, the voter guide that the gentleman from California (Mr. DOOLITTLE) put forward is legal under Meehan-Shays. The language in our bill is clear. In printed communication the term express advocacy does not include. In other words, it is not a campaign ad, does not come under the campaign law if it is a printed communication that, one, presents information and educational matter solely about the voting record or position on a campaign issue of two or more candidates, and, two, that is not made in coordination with a candidate,

political party or agent of that candidate or party, or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent. That voter guide is not done in coordination. It is showing the voting record of a candidate.

What the gentleman from California seeks to do is take out the very language that I read that is in the Meehan-Shays substitute. So we need to recognize that, one, he is incorrect when he states it would not allow for the voter guide. It would. And the language is in our substitute to allow it. He, in fact, seeks to take it out.

Mr. Chairman, we have lots of amendments that are going to come before us, and it is difficult to try to describe amendments that are totally gutting of our proposal; those that, while we would recommend they not pass, would not do serious harm. There are others that would actually maybe help the bill and we would urge their being supported. This is an amendment, however well intended, that is gutting Meehan-Shays, which would then break down the coalition that exists of a majority of Congress to pass Meehan-Shays, and it needs to be defeated. It would gut the sham issue ads.

The sham issue ads are those ads that are clearly campaign ads. They are the ads that seek to have someone vote for or against an individual, and they should come under the campaign law. When they come under the campaign law, those groups can advertise and encourage someone to vote for or against, but they do it under the campaign law.

So I sincerely request this chamber and the Members who are paying attention outside this chamber to recognize that the Doolittle proposal is a gutting proposal. It would destroy the integrity of the Meehan-Shays amendment and would not do what it says it would do. And what it says it would do is the allow for the voter guides. In fact, the bill presently allows for voter guides.

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

Mr. Chairman, this Congress is on trial. With each election, big money is talking bigger and the voice of the average citizen is growing smaller.

This amendment, as has been said, is not essentially about voter guides. The caption says it is about voter guides, but it goes way beyond it. It says the term express advocacy, and we are now talking about these ads that are really campaign ads, that it shall not apply with respect to any communication which provides information or commentary on the voting record or positions on issues taken by any individual holding Federal office or any candidate for election for Federal office unless the communication contains explicit words expressly urging a vote for or against any identified candidate or political party. So this, as the gentleman from Connecticut (Mr. SHAYS) has said, guts the express advocacy provisions of this bipartisan bill.

Next, this is not a question about banning anything. The question is

whether voter guides under any circumstances should fall within the regulations of Federal elections that are now in place: the limits on contributions and also disclosure.

□ 1745

So I just want to make it clear. Voting guides are permitted in terms of the Federal system under Shays-Meehan. The only contrary case would be where they clearly are a campaign document and not essentially otherwise, where the only reason they are not arguably a campaign document is because they do not say the word "elect" or "defeat." Mr. DOOLITTLE presents on the floor a voter guide. Now, if it were clearly a campaign document and it just left out the words "defeat" or "elect," I guess he would say, that is fine, unrestricted amounts without disclosure. But the point is that Coalition document would not fall within the language of Shays-Meehan placing it under Federal regulation in any event.

Now, I just want to say a word about the reference to the gentleman from Iowa (Mr. GANSKE) and tell my colleagues what this amendment is all about. Here is an ad in 1996 by the League of Conservation Voters about the gentleman from Iowa (Mr. GANSKE). I want to read it.

"It is our land, our water." This was a TV ad. "America's environment must be protected. But in just 18 months, Congressman GANSKE has voted 12 out of 12 times to weaken environmental protections. Congressman GANSKE even voted to let corporations continue releasing cancer-causing pollutants into our air. Congressman GANSKE voted for the big corporations who lobbied these bills and gave him thousands of dollars in contributions. Call Congressman GANSKE. Tell him to protect America's environment for our families, for our future."

Now, the amendment of the gentleman from California (Mr. DOOLITTLE) and the gentleman from Texas (Mr. DELAY) would essentially say that that kind of an ad could continue to be classified as a non-campaign ad without any disclosure and without any limits as to how much is spent simply because instead of saying after that clear attack on the gentleman from Iowa (Mr. GANSKE), it says, "call him, tell him." It does not say, "defeat." It says, "call him."

Now, I do not think anybody can reasonably argue that that was not a campaign ad. And what the gentleman from California (Mr. DOOLITTLE) is proposing is that we gut the provisions in this bipartisan bill so that for any amount at any point, any amount, any point, this kind of an attack ad could be continued without any Federal regulation at all as to amount or disclosure. That is why we are on trial here.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Michigan (Mr. LEVIN) has expired.

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

Mr. LEVIN. Because if we are serious about giving every citizen a voice and it not being submerged by big, undisclosed contributions, and I do not care if it is from corporations or from the labor movement or from wherever it comes, if they want that individual citizen to continue to have a real voice in America, we cannot vote for this amendment. We simply cannot vote for it.

Now, look, there may be some question about what the Supreme Court will eventually do. It has been 20 years since their decision. A lot has happened, including the explosion of these issue ads. One Circuit says we can regulate them. Another casts doubt on that. But we will leave that up to the courts.

What we should do is do what is right in terms of our obligations. Do not hide behind your theories of the First Amendment, especially when some of my colleagues not so recently rather glibly voted to amend it. We have here a question of the future health of this democracy.

I just want to conclude by reading from a nonpartisan study, the Annenberg study; and this is what it says. "This report catalogues one of the most intriguing and thorny new practices to come into the political scene in many years, the heavy use of so-called issue advocacy advertising by parties, labor unions, trade associations, and business, ideological and single issue groups during the last campaign. This is unprecedented and represents an important change in the culture of campaigns. To the naked eye, these issue advocacy ads are often indistinguishable from ads run by candidates."

I just want to read what the executive director of the NRA said about these. And I am not talking about the substance of their ads. I have no quarrel with them in terms of whether they should be permitted or not. That is not the issue.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. LEVIN) has expired.

(By unanimous consent, Mr. LEVIN was allowed to proceed for 1 additional minute.)

Mr. LEVIN. The question is whether they should come within the kind of regulation that now applies to ads that say "elect" or "defeat."

Here is the what the executive director of the NRA's Institute for Legislative Action said. "It is foolish to believe there is any practical difference between issue advocacy and advocacy of a political candidate. What separates issue advocacy and political advocacy is a line in the sand drawn on a windy day."

Now, look, I think Shays-Meehan protects voter guides like we presented here. If there is any question about that, let us have an amendment that relates to voter guides. Though I do not think it is necessary. But do not present an amendment that guts the

entire issue advocacy provisions of this bipartisan bill.

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

Mr. Chairman, I rise in strong support of this amendment. I want to compliment the gentleman from California (Mr. DOOLITTLE) for offering it.

Certainly, if nothing else, we ought to protect the rights of individuals and groups to distribute voter guides. There is an argument here whether or not it is actually doing this. But, obviously, the Member from California feels strongly that this is necessary in order to protect this right.

There has been a lot of talk here about soft money. I just often wonder about soft money. I know something about hard money. But this business of soft money and soft money automatically being bad is something we should think seriously about. Because so often when we are talking about soft money, we are talking about the people's money, their money, their property. Sure, it is a first amendment right. But there is also a property rights issue here. When people have money, they have a right to spend it; and if they want to spend it on a voters guide, they certainly ought to be able to do this.

So I think it is a very important amendment and we should pay close attention to this to make sure that we pass this amendment. The problem with attacking big money without knowing why there is big money involved in politics I think is the problem that we face. Big money is a problem. They are spending \$100 million a month to lobby us in the Congress and hundreds of millions of dollars in the campaign, but nobody ever talks about why they are doing it.

There is a tremendous incentive to send all this money up here. Unless we deal with the incentive, we cannot deal with the problem. So, so far, almost all the talk that we have heard on this campaign finance reform is dealing with the symptom. The cause is Government is too big. Government is so big there is a tremendous incentive for people to invest this money. So as long as we do not deal with that problem, we are going to see a tremendous amount of money involved.

But what is wrong with people spending their own money to come here and fight for their freedom? What if they are a right-to-life group? What if they are a pro-gun-ownership group? What if they are a pro-property-ownership group? Why should they not be able to come and spend the money like the others have?

It just seems like they have been able to become more effective here in the last few years, and it seems like now we have to clamp down on them because they have an effective way to come here and fight for some of their freedoms back again.

So I think that we are misguided when we talk only about the money and not dealing with the incentive to spend the money, and that is big gov-

ernment. All the rules in the world will not change these problems. We had a tremendous amount of rules and laws written since the early 1970s and all it has done is compounded our problems.

So I think openness and reporting requirements to let people know where we are getting the money, let the people decide if we are taking too much from one group. But to come down hard and attack on individual liberty and the right for people to spend their money and the right for the people to distribute voters guides, I cannot say see how that is going to solve any problems. I mean, what are we doing here? I think it is total foolishness.

So I strongly endorse this amendment, and let us hope we can pass this amendment.

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

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

Mr. DOOLITTLE. Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. PAUL) has 2 minutes remaining.

Mr. DOOLITTLE. I would like the gentleman from Michigan (Mr. LEVIN) or the gentleman from Connecticut (Mr. SHAYS) or someone from the side of the proponents of Shays-Meehan to explain to me why, in their opinion, the 1994 Christian Coalition voters guide is approved under Shays-Meehan. They say that so clearly, but it is quite clear to me that there is nothing clear about Shays-Meehan. I would like to have them specifically address themselves, instead of making the assertion and moving on, if they would please specifically address that illustration down there, which let us have it brought up in front of the House here, and explain to me why they think that that is protected.

If I were satisfied that that were protected by Shays-Meehan, I probably would not offer this amendment.

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

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

Mr. CAMPBELL. I would like to take up the challenge offered.

If we take a look at the voter guide, the standards under Shays-Meehan are met. The voter guide is not express advocacy if it presents information in an educational manner solely about the voting record or position on a campaign issue with two or more candidates. It does. There are two candidates there, and it presents simply their positions on the issues.

Two, that it is not made in coordination with a candidate, political party, or agent of that candidate. We do not know if this was or not. But, obviously, there is nothing I can tell from the four corners of the document that it was.

And, lastly, that it not contain a phrase such as "vote for," "reelect," "support," or "cast a ballot for." And I

again look to the document, and it has none of those words in it.

I rest my case.

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

(By unanimous consent, Mr. PAUL was allowed to proceed for 3 additional minutes.)

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

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

Mr. DELAY. The gentleman from California (Mr. CAMPBELL) fails to continue reading the language that concerns us the most. And the language says, it does not contain words that in context can have no reasonable meaning other than to urge the election or defeat of one or more cleared identified candidates.

This is where the rift is, where reasonable meaning. And we say that big government gets to decide, according to the language of the gentleman from California, what "reasonable meaning" is. And if I pass this out in a church, my opposition could very well say that, under reasonable understanding, that they are trying to sway the people in that church with this voter guide towards the gentleman from Iowa (Mr. GANSKE) on this voter guide. Therefore, they would have to come under Federal regulations.

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

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

Mr. DOOLITTLE. I would like to answer the gentleman from California (Mr. CAMPBELL) as well.

The gentleman from Texas (Mr. DELAY) is quite correct. He conveniently left out that key phrase.

I want to note that one of those points says promoting homosexuality to school children. And then down below in the real fine print, which no one can read from here, the Christian Coalition is described as a pro-family action organization, I believe is the phrase.

In context, I believe a reasonable person could conclude that a pro-family action organization does not think it is a good idea to promote homosexuality to schoolchildren and, therefore, that would fall under Shays-Meehan as being held to be applicable to their law and, therefore, would be banned.

I would like the gentleman from California (Mr. CAMPBELL) to explain to me his interpretation.

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

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

Mr. CAMPBELL. The phraseology in Shays-Meehan refers to the words, the phrases, the slogan, that in context can have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates.

The example we have before us does not give any statement regarding whether it is a good position or a bad

position to be in support or in opposition to any of the listed subject matters. Accordingly, it passes the test under Shays-Meehan.

More fundamentally, the language that the gentleman from California would put in instead of the narrowly tailored voter guide exception of Shays-Meehan says that any communication that makes a comment on any position on an issue, even by a single candidate, qualifies as a voter guide. It does not have to refer to a voting record, it can refer only to a position taken, and he extends it to the phrase "commentary."

□ 1800

Accordingly it is a Mack truck kind of exception. Virtually anything could be called a "voter guide."

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

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

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

Mr. DOOLITTLE. Mr. Chairman, I listened to the gentleman's explanation. The phrase in this bill that he supports says that words in context have no reasonable meaning other than to urge the election or defeat. I would submit to my colleague that the words "office of promoting homosexuality in schools" where one candidate opposes it and one supports it, those words in conjunction with the Christian Coalition card, which in context is being distributed in churches and the card or the word says it is a Christian action organization, those would be deemed, or could be deemed, to constitute the context advocating the election of the gentleman from Iowa (Mr. GANSKE) and the defeat of his opponent.

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

Mr. PAUL. I yield to the gentleman from Iowa.

Mr. GANSKE. Mr. Chairman, I appreciate the gentleman yielding, particularly since I was back in my office, and all of a sudden I saw my campaign re-enacted on the floor here.

I oppose the Doolittle amendment. If I thought that the Shays-Meehan language would prohibit a voter guide like this one, I would not support the Shays-Meehan language. But when I read the Shays-Meehan language, it seems to me clear that this type of voter guide is okay; I mean, presents information in an educational manner about a voting record or a position on a campaign of two or more issues, and in terms of this particular item here, it refers to a vote that was made here.

Mr. PAUL. Mr. Chairman, I reclaim my time, and I yield to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I just want to say, if that is the case for the gentleman from Iowa, then he ought to support Doolittle because Doolittle is

very clear. In fact it uses Supreme Court language as his amendment that says that we can do voter guides unless we specifically advocate the election or defeat of a candidate.

There is no in-between, and Shays-Meehan is very ambiguous.

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

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

I think, Mr. Chairman, the evidence here is quite clear that the language does, in fact, in the Shays-Meehan bill, does allow this particular voter guide. That is why the amendment needs to be defeated.

There has been some arguments here that voter guides are unallowable. I think the evidence is overwhelming that the language does not say at all that they are not allowable. In fact, I would say that the gentleman from California (Mr. DOOLITTLE) was reading from the wrong section. The section says: expressly unmistakable and unambiguous support for our opposition; 2, one or more clearly identified candidates when taken as a whole and with limited reference to external events such as proximity to an election.

So it is overwhelmingly clear that this particular provision is nothing more than a smokescreen to try to defeat our bill.

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

Mr. MEEHAN. I yield to the gentleman from Iowa.

Mr. GANSKE. Mr. Chairman, I think it is important that we pass legislation that deals with issue advocacy.

Once again, while I was watching from my office, I saw or heard about a campaign ad that was run against me in 1996. The text of the act reads:

It's Orlando water. American's environment must be protected, but in just 18 months Congressman Ganske voted 12 times out of 12 to weaken environmental protections. He even voted to let corporations continue releasing cancer-causing pollutants in our air. Congressman Ganske voted for big corporations who lobbied these bills, gave them thousands of dollars in contributions. Call and tell him to protect bla bla bla.

That is clearly an issue ad. It is the type of ad that we need to get after in terms of this legislation. There is a great big difference between that type of issue ad and a voter registration, a voter guide, that is put out either by this organization or any other number of organizations, and I think that we should defeat the Doolittle bill.

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

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

Mr. LEVIN. Mr. Chairman, I applaud the gentleman from Iowa (Mr. GANSKE) for going back to his election. He won it, so it is a little easier than if he had lost it. But he is a Republican, I am a Democrat, but the last thing I would deny is that that ad that was run against him was a campaign ad.

I tried an ad like this out on a group of students. Every single one was amazed that anybody would call that anything but a campaign ad. Every single one, they could not believe that is the way we function in this democracy. And what the Doolittle amendment does is say it refers to voting records, but, as been said before by the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS), the sponsors, and by the gentleman from California (Mr. CAMPBELL), this amendment goes miles beyond voting records or voting guides. It says any communication on any position on any issue taken by a candidate.

My colleague is trying to gut the issue advocacy provisions and essentially leave defenseless, if he does not or she does not have a lot of money to respond, an ad like was tried against the gentleman from Iowa (Mr. GANSKE), and there was no need for the person or the group that presented it to indicate who they were.

Mr. MEEHAN. Reclaiming my time, let me just give an example of what we are trying to provide, why we want to have this provision in. This is what the amendment would allow people to not have to disclose, where money comes from. This is what we are protecting. This is a Senate candidate.

Senate candidate Winston Bryant's budget as Attorney General has increased by 71 percent. Bryant has taken taxpayer funded junkets to the Virgin Islands, Alaska and Arizona. And spent about \$100,000 on new furniture. Unfortunately, as the state's top law enforcement official, he's never opposed the parole of any convicted criminal, even rapists and murderers. And almost 4,000 Arkansas prisoners have been sent back to prison for crimes committed while they were out on parole. Winston Bryant: government waste, political junkets, soft on crime. Call Winston Bryant and tell him to give the money back.

Now should not the person who had that ad and the organization at a minimum have to disclose where that money comes from? And is it not reasonable to assume that the intent of that particular advertisement was to influence that election? Of course. The only thing that we are looking to do in this legislation: when somebody wants to spend millions of dollars in races clear across this country and have that type of a negative ad, at a minimum, at a minimum, the American public has a right to know where the money came from.

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

(Mrs. CHENOWETH asked and was given permission to revise and extend her remarks.)

Mrs. CHENOWETH. Mr. Chairman, as my colleagues know, it may seem odd that I would be standing up here supporting the Doolittle bill because I can tell my colleagues this Congressman, as a candidate, had millions and millions of dollars of negative campaign ads targeted against her. The very ad that ran against the gentleman from

Iowa (Mr. GANSKE) ran in my district, and I am very opposed to that kind of campaigning. It is despicable.

But the way to get at it is not through more confused and confusing rules and regulations, not through a bureaucracy, but through a full disclosure, which the Doolittle bill requires. The bill that I am an original cosponsor on requires full disclosure, and then it leaves it up to the voters to be able to make that determination as to what is truthful and what is correct, as they did in the gentleman from Iowa (Mr. GANSKE'S) campaign and as they did in mine. I probably had more dollars, millions and millions of dollars, targeted at me from these very kinds of groups with those kinds of ads than any other congressional candidate in the Nation. And yet the voters in Idaho decided to cut to the chase and get to the bottom line. What my voters in Idaho did not have was who was really paying for those ads, and the Doolittle bill requires full disclosure because then it takes it out of the hands of the bureaucracy and puts it in the hands of the voters to make the final decision.

But if we are really going to cut to the chase, my colleagues, let us really define what this whole debate is about. It is about free speech. And even though I had a very uncomfortable campaign; I mean it was a carpet bombing, and it was mean, and it was vicious, and I did not like it at all, nevertheless, as a Congressman, my first responsibility is to protect the Constitution and free speech, and let me show you what this debate is really all about.

In Time Magazine, February 1997, what the minority leader said is what we have is two important values in direct conflict: freedom of speech and our desire for healthy campaigns in a healthy democracy. We cannot have both. Well, maybe in their narrow scope of regulate and rule and rule and regulate we cannot have both, but in a country of free people where the people make the decisions, of course we can have both, and that is what we must defend and protect.

The Washington Times really said it best in their June 5 editorial. They said if Congress wants to clean up the mess of money and politics, it should do so by encouraging free speech, free discussion and free debate. And that is the basis of good political activity in the United States of America.

Now the Doolittle amendment protects voter education guides and score cards, and we need to protect that very vital free speech. The Shays-Meehan substitute cuts to the very core of free speech that our Constitution so vigorously protects. It restricts the ability of organizations to engage in the freedom to educate the voters in this country. Whether we like it or not, we should protect free speech first. Not only does this prevent opportunities for the electorate to become more informed, but it violates the free-speech rights of all organizations, and organi-

zations who are opposing a Helen Chenoweth as well as my opponent or anyone else still should have their free speech rights protected vigorously by this body.

But the Shays-Meehan language also dictates a narrow set of speech specifications under which elected officials would deign to allow citizens groups to disseminate their voting records, specifications that would effectively ban the score cards that we saw here before, Mr. Chairman, and voter guides typically distributed by issue-oriented groups, and do we want to restrict the rights of groups or individuals to place ads in the Washington Post or the New York Times expressing their support or opposition to a piece of legislation? The Shays-Meehan substitute would restrict these sorts of actions regardless of whether the communication is express advocacy. This is a blatant violation of the first amendment, and I really do strongly support the Doolittle amendment.

Mr. Chairman, Congress should not find ways to restrict speech or limit the information available to our voters. Instead we should be promoting free speech and encouraging an educated electorate. We are responsible for that.

The CHAIRMAN pro tempore The time of the gentlewoman from Idaho (Mrs. CHENOWETH) has expired.

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

Mrs. CHENOWETH. What are we afraid of?

As my colleagues know, I trust the American people to make the right decision when they are well-informed. I have faith in my fellow citizens, and I urge my colleagues to vote for the Doolittle amendment. Do not restrict political participation by American citizens, do not restrict the fundamental rights to free speech, and do not destroy the most vital tool we have to maintain our representative government.

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

Mr. WHITFIELD. Mr. Chairman, I think many of us feel the way the gentlewoman feels, that many of us had ads run against us in the last campaign that we did not like.

□ 1815

But we do believe that is the right of organizations to do that. I was just curious, what were some of the organizations that ran ads against the gentlewoman in her last election?

Mrs. CHENOWETH. Mr. Chairman, reclaiming my time, the organizations that I know about are the national labor organizations and national environmental organizations who tried to do the same thing that they did to the gentleman from Iowa (Mr. GANSKE) by distorting the record. I believe we should have truth in advertising in everything that is put across the airwaves, but the Shays-Meehan bill does

not address that. So we need to leave it to the voters and their great discretion.

MODIFICATION TO AMENDMENT NO. 82 OFFERED  
BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, I ask unanimous consent to modify my amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 82 offered by Mr. Doolittle:

The amendment is modified as follows:

In section 301(20)(B) of the Federal Election Campaign Act of 1971, as proposed to be inserted by the amendment, insert after "any communication" the following: "which is in printed form or posted on the Internet and".

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

Mr. SHAYS. Mr. Chairman, reserving the right to object, will the gentleman explain the purpose of this proposed modification?

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

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

Mr. DOOLITTLE. Mr. Chairman, it was my intent when we offered this to have it drafted in such a way as to protect the printed material or material on the Internet. It really was not my intent to go beyond that. The wording of the amendment arguably does go beyond that, so I offer this modification to conform the written language of what my intent clearly was.

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

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

Mr. CAMPBELL. Mr. Chairman, reserving the right to object, I believe that every author of an amendment ought to have the right to put it in the way that he or she thinks is best, so I will not object. But my reason for reserving the right to object was to ask the gentleman from California, if he is going back and amending his amendment, the gentleman might recall the discussion that we had before the break, where I thought that inadvertently the gentleman had gone out and excluded, struck from the bill, the provision against coordination.

Truly, in the interest of just giving the gentleman the best shot at his amendment, if the gentleman is going to go back and amend his amendment, all it would take to get rid of that issue entirely would be to say that the gentleman is striking section 301(20)(B)(1) instead of (301)(20)(B), if one reads what I am saying.

I offer this merely from the point of view of helping. If my colleague and friend from California does not wish my assistance, then I have nothing further to add and would withdraw my objection to his unanimous consent request.

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

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

Mr. DOOLITTLE. Mr. Chairman, in drafting the original amendment, which we are now seeking to modify, although we strike out the coordination language in this subsection B, I would just reference the gentleman from California (Mr. CAMPBELL) to the overall section 206, which deals with coordination of the candidates. Since that deals with providing anything of value, it was our experts' belief that that would still apply, and, therefore, it was not necessary to do it in the way the gentleman is suggesting.

Mr. CAMPBELL. Mr. Chairman, further reserving the right to object, I offer this in a friendly way. If the gentleman said strike section 301(20)(B)(1), instead of all of 301(20)(B), you would remove all ambiguity. If, however, it is the gentleman's choice, then so be it.

I think the gentleman does create a dangerous legislative history, which is that the bill presently says you may not coordinate an expenditure. The gentleman's amendment strikes the phrase saying you may not coordinate an expenditure and puts in something silent on coordinating an expenditure, and that degree of history is dangerous.

Mr. Chairman, I withdraw my reservation of objection.

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

Mr. SHAYS. Mr. Chairman, reserving the right to object, I just wanted, one, to know the intent of my colleague, and also to say as a general principle, I think that anyone who offers an amendment should have the right to perfect it as they choose, so I really want to adhere to the concept that the gentleman from California (Mr. CAMPBELL) already expressed.

Mr. Chairman, I withdraw my reservation of objection, if this is the purpose of the gentleman.

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

There was no objection.

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

Mr. Chairman, my purpose for rising was to engage my friend from California in a discussion, if he would wish, and I will reserve at least the requisite number of 2 minutes for that.

Here is the main point: The Shays-Meehan bill itself does not prohibit voter guides. It would not reach them in its own words. What it does deal with is whether they can be funded by soft money or whether, if you are going to run an ad that really is a campaign ad, it ought to be under the same rules as a campaign ad: Namely, you have got to raise the money under the rules of disclosure and maximum contribution limits of the Federal Election Act. That is all that Shays-Meehan does.

To make it absolutely clear though, Shays-Meehan then puts in a provision

saying we exempt from the definition of express advocacy, which would require that only hard money be used, the following kind of notification. Where it discusses a voting record, deals with more than one candidate, and it is in a context that is not clearly devoted to advocating voting for or against somebody. So if one takes a look at the bill, there is an exclusion in its construction for what is a voter guide, and there is, in addition, then an explicit exclusion for a voter guide.

My good friend and colleague, the gentleman from California (Mr. DOOLITTLE), proposes an alternative. As you just heard, I was anxious that the gentleman try to clarify his alternative further. Instead, however, we still have the draft that the gentleman presented us with which removes the language that a true independent voter guide not be coordinated with an individual candidate. So the legislative history, if the gentleman's amendment passes, will be quite clear, that preparers of a voter guide can indeed go ahead and coordinate with the candidate favored in such a guide.

That is just the first problem with this amendment. Here are the remaining problems.

The Doolittle amendment creates a loophole for "any communication in printed form, or printed on the Internet, which provides . . . commentary on . . . positions on issues taken by . . . any candidate for election for Federal office." I am going through and taking all of the "or" clauses and taking just one of the options at each "or" clause.

So, as a result, the exception supposedly for voting records now covers any communication providing any commentary on positions on issues taken by any candidate.

I submit to Members that campaign ads of the most garden variety fit this definition. Such an ad will "provide commentary," and, if it does not refer to an issue taken by the individual, it would be an amazing piece of literature: Vote against this person because we do not like the way he looks; vote against this person, because of what? All that needs to be, in order for this loophole to apply, is to be a communication offering a commentary on a candidate's position on an issue.

Now I would like to ask a hypothetical. The poor gentleman from Iowa (Mr. GANSKE), our good friend and colleague, does not deserve to have his campaign ad brought up once more, but so be it. Neal Smith was his opponent, and that voter guide said "Here is where Greg Ganske is on the issues and here is where Neal Smith is on the issues."

Suppose that the group in question, the Christian Coalition, put out a notification 1 week before the election, and all it said was, "Neal Smith is a terrible Congressman because he opposes voluntary school prayer."

I believe that would fit through your loophole, and I would yield to the gentleman from California to answer this

question if he would care to. The ad I just read, "Neal Smith is a terrible Congressman because he opposes voluntary school prayer," would that fit within your supposed "voter guide" exception?

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

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

Mr. DOOLITTLE. Mr. Chairman, I am not satisfied with the gentleman's response to me on the voter guide, why he thinks that is permitted by Shays-Meehan. Now the gentleman is asking me to comment upon his hypothetical.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, it is my time. I yield to my friend to answer if he chooses. If he chooses not, I am also happy.

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

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

Mr. DELAY. Mr. Chairman, it is amazing to me that the gentleman would want to stop an American citizen from putting out anything that they wanted to have the opportunity to say, that Neal Smith is a terrible Congressman. I am not advocating defeat or anything.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, if the Whip would stay in the well, I would like to engage him; it just has to be a colloquy, not just one way.

The CHAIRMAN. The time of the gentleman from California (Mr. CAMPBELL) has expired.

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

Mr. CAMPBELL. Mr. Chairman, the provision here is not that an ad shall be prohibited. The question here is whether soft money shall be allowed to pay for it. And a loophole designed for a voter guide—

Mr. DELAY. Mr. Chairman, if the gentleman will yield further on that point right there, the gentleman interrupted me, let me interrupt the gentleman on a point, because the gentleman claims it is soft money. No, it is money raised by Americans who want to participate in the political process and express themselves about positions or votes taken by Members of Congress or people wanting to be Members of Congress that the gentleman is trying to prohibit.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, I think the Whip puts it quite well. It is a debate on this issue. But let us call it that. Shall we have limits to how much money potentially can corrupt our campaign system or not?

A very legitimate different point of view from mine, but a very legitimate point of view, says no, let us not have any limits on campaign finance. That is actually the view I think espoused by the distinguished Whip.

But it is contrary to the whole idea of campaign finance reform. If we are

for limiting the potentially corrupting influence of money, as we have in the law now, by a \$1,000 maximum, then we should not create a loophole so huge as to permit the example that I gave to my friend from California, as I gave to my distinguished colleague and friend, the Whip from Texas. I yield back the balance of my time, unless my colleague wishes to answer my hypothetical.

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

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

Mr. BILBRAY. Mr. Chairman, I think the distinguished Whip has articulated his position quite clearly. I think that, Mr. Chairman, there is a disagreement about how this process should work. I do not think money may absolutely corrupt, but it does influence, and there are those of us that feel we should limit that influence and those who feel we should not.

This, obviously, is an issue of a huge loophole and just how much resources are able to be funneled into a campaign process. I understand the gentleman who is introducing this amendment's position, because he feels that there should not be any limits, and I respect that.

But if we are going to have limits, and if we are going to enforce those limits, then we cannot have a huge loophole that allows groups to come in and circumvent the entire premise that there should be a limit on money's ability to influence elections, and maybe this amendment's whole concept is to create such a loophole, that it destroys the entire enforceability of the limit concept.

I appreciate the gentleman from California's position and the fact that we do not want to create a loophole.

Mr. THOMAS. 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. WICKER) having assumed the chair, Mr. SHIMKUS, 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.

REQUEST TO LIMIT FURTHER DEBATE AND AMENDMENTS ON THIS DAY TO SHAYS AMENDMENT IN THE NATURE OF A SUBSTITUTE DURING FURTHER CONSIDERATION OF H.R. 2183, BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2183 on this day, pursuant to H. Res. 442 and H. Res. 485, the pending amendment which we have

been discussing by the gentleman from California (Mr. DOOLITTLE) to the amendment in the nature of a substitute by the gentleman from Connecticut (Mr. SHAYS) be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent. No other amendment to the amendment by the gentleman from Connecticut (Mr. SHAYS) shall be in order on this day, except the amendments that have been placed at the desk, which are as follows:

The amendment by the gentleman from Mississippi (Mr. WICKER); the amendment by the gentleman from New York (Mr. FOSSELLA); the amendment by the gentleman from Florida (Mr. STEARNS); the amendment by the gentleman from Mississippi (Mr. PICKERING); and the amendment by the gentleman from Texas (Mr. DELAY).

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On this day, each amendment may be considered only in the order listed and may be offered only by the Member designated, or his designee, shall be considered as read, and shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

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

The SPEAKER pro tempore (Mr. WICKER). Is there objection to dispensing with the reading of the amendments only?

Mr. MEEHAN. Mr. Speaker, reserving the right to object, we have been talking, at least before we left for the 2-week break, we were talking about a unanimous consent agreement on campaign finance reform. We had talked about a comprehensive agreement, an agreement that would result in us being able to complete campaign finance reform by the August recess on August 7; and, to that end, many of us met today and we had talked about agreeing to a unanimous consent agreement and making part of the unanimous consent agreement the fact that we would take up in August, the week of August 3 through 7, all of the substitutes that had been made in order, have an hour of debate for each of those, and then vote up or down on those substitutes.

I think, Mr. Speaker, if we look at how long it has taken us to get to this point in time and if we consider the fact that, under the rule, we could literally have 250 to 260 amendments, that it makes sense for us to try to come to an agreement on a comprehensive unanimous consent agreement that would result in not only discussing those amendments that we need to discuss but also a definite, definitive time and date, that is August 3 through 7, where we would vote on each of the substitutes.

So that is the unanimous consent agreement that I was hoping that we could get.