

CONGRATULATIONS TO AMA
PRESIDENT DR. DAN "STORMY"
JOHNSON

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. LAMPSON. Mr. Speaker, I rise today to congratulate Dr. Dan "Stormy" Johnson who is currently serving as president of the American Medical Association. Dr. Johnson is only the fourth native Texan to hold this national position, and the first from my district. He is being honored tomorrow night at a recognition dinner in Port Arthur, TX. Dr. Johnson was born in Port Arthur and received his M.D. degree from the University of Texas at Galveston. He has been active in organized medicine for many years, and prior to his service as president of the AMA, Dr. Johnson served both as speaker and vice speaker of the AMA House of Delegates. It is a true honor to have such an outstanding individual and medical leader come from Port Arthur, TX, in my district.

Dr. Johnson's commitment to the medical field is legendary and his pursuits within this profession leave him worthy of our recognition. He was cofounder and president of the American Society of Head and Neck Radiology and he is also a past president and past chair of the board of the New Orleans Radiology Society. Dr. Johnson has also served in his community for many years on the boards of the Louisiana State Museum and its support group, the Friends of the Cabildo. He has lectured extensively throughout the United States on many issues of health care reform, most notably on financing the delivery of health care. Some of Dr. Johnson's ideas to improve the cost effectiveness of our health care system include using the concepts of pluralism and patient choice. These innovative ideas have helped in the debate on the importance of health care reform.

I applaud Dr. Johnson for his dedication to the medical profession and I send him my sincere congratulations for his achievements within this field. I look forward to attending the recognition dinner in his honor so that I may personally be able to congratulate Dr. Johnson on his special day.

THE PUBLIC HAS A RIGHT TO
KNOW WHO'S MONEY IS BEHIND
A CANDIDATE—THE CAMPAIGNS
IN THE SUNSHINE ACT WILL
SOLVE THAT PROBLEM

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. HORN. Mr. Speaker, today I add one more piece to the pile of legislative proposals related to reform of our campaign finance laws. In doing so, I recognize that this is the issue most frequently mentioned and, so far, least frequently addressed in this Congress. This seems to reflect the public's attitude that this is the one problem we most need to solve and that we are least likely to tackle.

My own views and my legislative efforts on campaign finance cover the proverbial water-

front. I support proposals ranging from immediate action under the Shays-Meehan comprehensive reform bill to the more protracted steps called for in the bipartisan blue ribbon commission bill. In short, I believe we here in Congress should overhaul a campaign finance system that has been riddled with loopholes from Supreme Court rulings and the ingenious schemes of legions of lawyers and consultants. But I am aware of the substantial and probably well-founded view that we will not do so.

There is, in fact, reasonable cause to think we should not take this job because there simply are too many agendas, too many self-interests, too many conflicts of interest when those of us who hold public office attempt to write rules for how others can unseat us. The popular view is that having politicians write campaign finance laws is like having sharks organize a swim meet. For that reason, I support the bipartisan bill to create a nonpartisan commission on this issue. The goal of this approach is to allow nonpoliticians with no specific, personal axes to grind to take a good look at this issue and try to come to practical, sound steps that will provide a level playing field for our election campaigns.

But I am aware that the commission approach also faces many objections and may never move from proposal to reality. For that reason, I am introducing a third approach that will allow us to immediately address what I believe to be the most serious problem in the campaign finance arena while we work out further steps toward comprehensive action. I would like to believe this bill will not face any opposition from any quarter—though on campaign finance I have learned that opposition needs no cause to exist.

The bill I am introducing today is the most basic step possible in campaign finance reform. This bill simply requires full disclosure of all sources of all campaign funds. That is all. It does not stop so-called soft money from being raised or spent. It simply requires that all soft money be identified by source. This bill does not ban or limit so-called independent expenditures which we all know are seldom independent in any real sense and which I believe are the most damaging and dangerous development in our political system in many years. Even so, I do not try to outlaw these expenditures. My bill simply requires that the sources of funds for the expenditure must be identified in the same way that we require disclosure by every candidate committee.

In short, Mr. Speaker, this bill is a straightforward statement that anyone can become involved in our campaigns, but everyone must come out into the sunshine and reveal their identities. In doing so, everyone is subject to the same scrutiny by the media and the voters as to their agenda and goals, their tactics and rhetoric and their influence on our elections.

Mr. Speaker, there has been great and legitimate concern about reports that some foreign governments may have secretly influenced last year's Presidential or congressional campaigns through covert campaign contributions to candidates. Our Committee on Government Reform and Oversight, on which I serve, has begun investigating these reports, as we should.

However, I would note the real impact of foreign money may never be known and can never be learned. The simple reality is that these activities could well be cloaked behind

so-called "independent expenditures" by some innocuous sounding organization like the Committee for Something or Other. Pick any name, pour any amount of money into it from any source on Earth and it can become a major player in our political campaigns. Our current campaign finance laws have no real prohibition on this kind of activity, no real way of policing such activity and no serious way to enforce any sanction we might want to impose for such activity. In short, the current laws are a joke, brought to us by a Supreme Court that seems convinced that freedom of speech can and should be equated with the ability to spend.

At a minimum, Mr. Speaker, at the absolute minimum, we must pass the kind of disclosure bill I am introducing today. At the very least, the people of this country deserve to know who is spending money to influence their vote. At the very least, our system must be protected from secret persuaders, whether foreign or domestic, who want to play the game but do not want to follow even the simplest rules of fair play and open debate.

Democracy rests on the firm foundation of open and free debate, where every viewpoint can be presented and every cause can be examined. To allow secret causes to be cloaked in anonymity is to allow democracy to be subverted from the shadows. That is the reality of our current laws and that is what we must change this year. It is time to enact legislation that creates campaigns where the identity of the attacker is revealed, where the merits of the attack can be examined and where the ability of the voters to decide for themselves is protected.

It is time to reverse the steady unraveling of our laws on campaign activity and to stop absurd and dangerous practices that destroy public trust and undermine democracy itself. It is time to require that our campaigns be conducted in the sunshine where the disinfectant of full disclosure can work its wonder.

Mr. Speaker, I thank Mrs. JOHNSON of Connecticut, Mrs. MALONEY of New York, and many other colleagues for joining in sponsoring this legislation and I commend these proposals to all Members of the House as a bill well deserving of their support.

We need to pass this legislation because the average voting citizens has a right to know what interests, if any, relate to a candidate for public office. Attached is the bill and its original cosponsors.

H.R. 1705

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Campaigns in the Sunshine Act of 1997."

SEC. 2. APPLICATION OF REPORTING REQUIREMENTS UNDER FEDERAL ELECTION CAMPAIGN ACT OF 1971 TO CERTAIN EXPENDITURES.

(a) SOFT MONEY EXPENDITURES OF POLITICAL PARTIES.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

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

"(9) in the case of a reporting committee which is a political party committee, any information which would otherwise be required

to be reported under this subsection if the term 'expenditure' included any amount expended by the committee for the purpose of influencing an election for Federal office."

(b) INDEPENDENT EXPENDITURES.—

(1) ADDITIONAL REPORT FOR PERSONS FIRST MAKING EXPENDITURES AFTER DEADLINE FOR PRE-ELECTION REPORT.—Section 304(c) of such Act (2 U.S.C. 434(c)) is amended—

(A) in paragraph (2), by striking "Statements" and inserting "Except as provided in paragraph (4), statements"; and

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

"(4) In addition to any statements required to be filed in accordance with subsection (a)(2), any person who first makes independent expenditures with respect to an election in an aggregate amount or value in excess of \$1,000 after the deadline for filing a pre-election report under subparagraph (A)(i) of such subsection shall file a statement containing the information described in paragraph (2) at the time the person makes independent expenditures in such aggregate amount or value."

(2) EXPANDING SCOPE OF EXPENDITURES SUBJECT TO REPORTING.—Section 304(c) of such Act (2 U.S.C. 434(c)), as amended by paragraph (1), is further amended by adding at the end the following new paragraph:

"(5) For purposes of this subsection, the term 'independent expenditure' means—

"(A) an independent expenditure described in section 301(17); or

"(B) any other payment (without regard to whether the payment is otherwise treated as an expenditure under this title) which is used to produce or distribute any broadcast material, newspaper, magazine, billboard, direct mail, phone bank operation, or similar type of public communication or political advertising which refers to a clearly identified candidate or political party, which is made without cooperation or consultation with any candidate or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate (other than any payment which would be described in clause (i), (iii), or (v) of section 301(9)(B) if the payment were an expenditure under such section)."

(3) CLARIFICATION OF REQUIREMENT TO REPORT PERSONS MAKING CONTRIBUTIONS FOR CERTAIN INDEPENDENT EXPENDITURES.—The second sentence of paragraph (2) of section 304(c) of such Act (2 U.S.C. 434(c)) is amended by striking the period at the end and inserting the following: "; together with the information described in subparagraph (C) of the previous sentence."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to expenditures made on or after the date of the enactment of this Act.

PEOPLE'S RIGHT TO ACCESS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1997

Mr. HOYER. Mr. Speaker, I rise today to let the American people know about a growing concern with the public's access to Government information. Throughout our country's great history, the Government Printing Office has been the source of all printing done by all Federal agencies. Under title 44 of the United States Code, all agencies are required to use

the Government Printing Office for their printing needs. However, over the years, more and more of the executive branch agencies have been doing their own in-house printing, circumventing the system and neglecting to make all Government documents available to the Depository Library System and thus breaking the channel of information to the American people.

At a recent hearing of the Senate Rules and Administration Committee, it was stated that more than half of all Government documents printed by executive agencies were never sent to depository libraries. Well over 50,000 documents have not been made available in the public domain.

It is important that people know just how serious this problem is. The Office of the Superintendent of Documents at the Government Printing Office recently issued a report on the extent of the problem which I am placing in the CONGRESSIONAL RECORD for all to read. We must not allow this loss of public information to continue and must get all Government documents to our Depository Library System.

FUGITIVE DOCUMENTS: SCOPE AND SOLUTIONS
THE SCOPE OF THE PROBLEM

According to 44 U.S.C. Sec. 1902, "Government publications, except for those determined by their issuing components to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value and publications classified for reasons of national security, shall be made available to depository libraries through the facilities of the Superintendent of Documents for public information." Depository libraries make these publications available for free use by the public. Traditionally, most Government publications of general interest, including legislative, regulatory, business, and consumer titles, as well as many scientific and technical reports and studies, have been distributed through the GPO's Federal Depository Library Program (FDLP).

Many publications produced by the Government fail to be included in the FDLP. Documents that belong in the Program, but which are excluded, are known as fugitive documents. Their absence from depository library collections impairs effective public access to Government information.

Although no study has resulted in a definitive answer, we estimate that more than 50 percent of all tangible Government information products are not being made available to the Federal Depository Library Program (FDLP). Of these, we estimate that there are about 55,000 scientific and technical documents and reports which are neither printed through GPO nor furnished by the issuing agencies to the FDLP as required by law. The issuing agencies do, however, provide either a printed copy or an electronic image file of each of these documents to the National Technical Information Service (NTIS).

In FY 1996, NTIS took in about 160,000 scientific, technical, and business-related titles, most but not all of which were published by the Government. We estimate that about 70 percent, or 112,000, of NTIS's total intake belongs in the Program. Compared with the 57,000 titles in the FDLP in FY 1996, this leaves at least 55,000 fugitive titles which should have been provided to GPO by the publishing agencies. NTIS provides bibliographic access to the publications it takes in through its abstracting and indexing activities. This makes them available to the public and to depository libraries on an on-demand basis from NTIS, but at a significant cost.

In addition, there is an unknown number of fugitives which are primarily general,

public interest materials produced by agencies using avenues other than GPO. It is virtually impossible to estimate the total number of these titles, but they may well number in the thousands and include, but are not limited to, the publications of Federal District Courts and Courts of Appeal, Federal Election Commission financial disclosure statements, and Library of Congress Congressional Research Service reports.

Recently, four major factors have contributed to increasing losses of key general interest publications to the FDLP. These are: (1) electronic information dissemination via agency Web sites without notification to the FDLP; (2) the decreasing compliance with statutory requirements for agencies to print through GPO or to provide copies of publications not printed through GPO to the FDLP; (3) the increasing trend for agencies to establish exclusive arrangements with private sector entities that place copyright or copyright-like restrictions on the products involved in such agreements; and (4) increasing use by agencies of language in 44 U.S.C. Sec. 1903 that permits publications to be excluded if they are "so-called cooperative publications which must necessarily be sold in order to be self-sustaining."

Even in cases where the FDLP learns about such fugitive general interest publications, extensive negotiations and even Congressional intervention have proved necessary to ensure compliance with the depository library provisions of Title 44. The following list includes some particularly egregious examples of failure to comply with statutory requirements. It should be noted that OMB's Office of Information and Regulatory Affairs (OIRA) has not provided any significant assistance to GPO in detecting or resolving these problems.

U.S. INTERNATIONAL AIR TRAVEL STATISTICS

U.S. International Air Travel Statistics was published by the Department of Transportation using data derived from the Immigration and Naturalization Service and distributed to the FDLP. In FY 1996, Congress transferred the collection and dissemination of this data to the Department of Commerce's International Trade Administration (ITA). According to ITA, this publication is available for sale from ITA's Tourism Industries office, is a self-sustaining publication not fully funded by Federal monies, and is exempt from distribution to the FDLP.

HANDBOOK OF INTERNATIONAL ECONOMIC STATISTICS

For many years, this publications was printed and published by the CIA as the Handbook of Economic Statistics, sold by the Superintendent of Documents Sales Program and distributed to the FDLP. After 1992, the CIA no longer made it available to the sales or depository programs. It is now sold by NTIS and paper copies are not being offered to the FDLP. The 1996 edition of the CIA's World Factbook CD-ROM includes an electronic version of the Handbook, but for such standard reference works, the preferred format for depository distribution is paper.

PRECURSOR SYSTEMS ANALYSES OF AUTOMATED HIGHWAY SYSTEMS

This CD-ROM product is being sold by the Department of Transportation and is not being provided to the FDLP. Although the FDLP may be receiving some of the printed reports that form the basis of the CD-ROM, it is probably not receiving all of the data included.

ORDER NOW CD-ROM

This NTIS CD-ROM product includes two years' worth of abstracts and indexes not available elsewhere. NTIS has expressed a willingness to make the CD-ROM available as a benefit to the public and as a promotional tool for their sales program, provided GPO paid the retrieval software fees,