



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 146

WASHINGTON, MONDAY, SEPTEMBER 18, 2000

No. 110

## House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 18, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Cheek, one of its clerks, announced that the Senate has passed without amendments concurrent resolutions of the House of the following titles:

H. Con. Res. 319. Concurrent resolution congratulating the Republic of Latvia on the 10th anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

H. Con. Res. 371. Concurrent resolution supporting the goals and ideas of National Alcohol and Drug Recovery Month.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1608. An act to provide stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for the benefit of public schools and roads and to enhance the health, diversity and productivity of Federal lands.

S. Con. Res. 130. Concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

### CAMPAIGN FINANCE REFORM

Mr. STEARNS. Madam Speaker, I rise today to speak on campaign finance reform.

This is a topic that this Chamber is quite familiar with, and a topic which seeks to prohibit the abuse of soft money campaign donations to national political parties. Though the current campaign finance system is in need of reform, the proposal the House passed, the Shays-Meehan bill, did not improve or strengthen our campaign finance system.

The road towards campaign finance reform has been a long one with many constitutional roadblocks. The Supreme Court took a dim view of our efforts to curtail first amendment rights. Through such rulings of *Buckley v. Valeo* in 1976, and other cases, the court has declared that the government may not regulate political commentaries "to promote a candidate and his views." The court made an exception for ads that use explicit language to "advocate the election or defeat of a clearly identifiable candidate."

The Congress recently took a step in the right direction reforming campaign finance flaws by ending the secret fund-raising and spending by political groups under Section 527 of the Inter-

nal Revenue Code. Section 527 groups receive a large degree of anonymity under the law so long as their television ads, opinion polling and other political activities do not recommend the election or defeat of a specific candidate. This new law requires them to identify themselves to the public, then file periodic reports with the IRS that identify contributors and disclose how they spend their money in the political arena.

About a year ago, the House passed its own campaign finance reform, the Shays-Meehan bill. It was aimed at reforming abuses in modern day campaign fund-raising. Though I believe campaign finance reform is needed, the Shays-Meehan bill was not the right approach. It has been over 20 years since we last overhauled our campaign finance laws, but I believe many of the bill's provisions would have been ruled unconstitutional before the U.S. Supreme Court.

I could not support proposals placing restrictions on issue ads, thereby effectively regulating campaign expenditures by individuals, interest groups and organizations loosely allied to the parties. That legislation attempts to alter the constitutional distinction between express advocacy and issue advocacy by mere statutory definitions. The goal of this bill was to expand the category of speech that can be regulated by the Federal Government, thereby making speech no longer free.

Under current law, all individuals, political parties, businesses and other organizations are free to refer to candidates and their records on issues without regulation by the Federal Government. But under the Shays-Meehan bill, the mere reference to a candidate's name on radio or television during election campaigns would transform issue advocacy into regulated express advocacy.

Additionally, the legislation bans soft money for political parties. The

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H7653

Shays-Meehan bill would regulate, limit or even prohibit individuals, organizations, and corporations from receiving or spending soft money for national political parties or political committees. The attempt to limit the free rights of political parties would clearly be unconstitutional, and the courts of course, most likely would strike down these restrictions.

Since the 1976 Buckley v. Valeo decision, strong majorities have supported protections for the expenditures of money for political communications. I do not believe government restrictions on issue ads can be reconciled with the first amendment. No matter how they are dressed up, such restrictions will still involve government regulation of political speech, which we do not want.

Furthermore, such a concept of campaign finance reform is both counterproductive and, as I mentioned earlier, unconstitutional. Moreover, the bill's relative impact on the two major parties is decidedly out of balance, in my opinion. That is why I voted for the bipartisan Hutchinson-Allen substitute, which unfortunately failed on the House floor.

This bill is simple in its path towards strengthening our system and increasing public trust in the elected Federal officials. Congress would implement full disclosure laws, treat soft money and hard money the same, and make all campaign reports filed with the Federal Election Commission available to the public electronically through the Internet and through other electronic sources within 48 hours after those reports are filed. That is what the Hutchinson-Allen substitute would do. That is the proposal I supported.

I also believe that strong bipartisan support exists for an array of reforms that could pass if Shays-Meehan were set aside. These include technological improvements in disclosure, strengthening enforcement, greater safeguards against the entry of foreign money, and possibly tax deductions to encourage small in-State donations.

While any effective and feasible solution to campaign fundraising may be out of reach in this Congress, I am confident that next year, after the Presidential election and congressional races, this body can once again focus its attention on reforming our campaign finance laws.

#### THE CORPS OF ENGINEERS AND ITS RELATIONSHIP TO CONGRESS AND THE ENVIRONMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, the week-long series in the Washington Post about the Corps of Engineers and its relationship to Congress and, more importantly, to the environment, raises key questions about the Corps' future direction.

The immediate challenge is for the Corps and Congress to respond carefully, thoughtfully, and in the right context to the real issues surrounding the Corps' important mission.

In its very name, the Army Corps of Engineers combines the two professions that are perhaps most results-oriented, focused, precise and committed to following orders: engineering and the military. It imposes upon those of us in Congress a special responsibility. We must be sure that we are asking the right questions and looking at the big picture. For if the Corps' assignment is to stop flooding in a particular area, that is precisely what they will do, but that may be all that they do.

As much as I agree with some of the concerns and criticisms of the Corps, it is wrong to single them out alone. The behavior of the Corps is just the most obvious example of our country's 2-century long certainty that we can conquer and bend to our will the force of nature. The Corps has simply been responding to the orders and expectations of Congress and the citizens.

Unfortunately, when it comes to the Corps' responsibility to deal with waterways and flooding, the policies that Congress has directed and funded often appear to be doing more damage than good. Our flood insurance program continues to subsidize people to live in harm's way. Combined with our tendency to engineer rivers, to channelize them, to raise levees ever higher, along with failure to insist on careful land use and wetlands protection, we have produced a situation that is dangerous and self-perpetuating. We are subsidizing people to stay in harm's way, and at the same time we are engineering rivers to produce more frequent and dangerous flooding.

Obviously, part of the message is to stop treating our rivers, wetlands and beaches like machines to be channeled, repaved and recontoured without regard for long-term costs to the environment or, frankly, to the Federal Treasury. The \$8 billion we are prepared to spend now to repair part of the damage that we inflicted on the Everglades through miscalculation and poor planning and engineering is an example of why reform is needed.

Madam Speaker, there are, indeed, serious efforts with real potential for reform right now. I have been pleased during my tenure in Congress with the Corps' efforts to reposition itself. Its Challenge 21 proposal would allow the Corps to enter into an agreement with local partners to provide passive flood mitigation and river restoration projects and do so more quickly and cheaply. Congress can help speed this on its way with adequate funding right now.

In WRDA 99, we made it easier for local communities to choose non-structural approaches to flood control, giving them more freedom to choose more environmentally and economical approaches.

The Corps of Engineers' shoreline protection program is in serious need

of reassessment to avoid a parade of costly and expensive projects that in the long run are environmentally destructive and put people again in harm's way. This is especially critical at a time when it is estimated that the average shoreline will retreat 500 feet over the next 60 years, and that in the next decade alone, 10,000 structures will fall into the ocean. We cannot afford a blank check from the taxpayer and another losing fight with irresistible environmental forces.

Madam Speaker, H.R. 4879, introduced by the gentleman from Wisconsin (Mr. KIND), of which I am a proud cosponsor, is another important piece of reform that would go a long way in addressing some of the problems that have been exposed. This bill would reform the project overview and authorization process, establish an objective outside review panel for controversial projects. To increase transparency and accountability, it would guarantee more citizen participation and lead to a better balance between economic and environmental considerations.

At the end of the day, we need more dramatic steps. When Congress found military base closing too polarized and politicized to tackle itself, we established a separate commission to handle it. Through that, we have been able to do the right thing for the military, while helping communities and the Federal taxpayers. Perhaps it is time for such a stronger mechanism to depolarize and depoliticize the Corps operation here in Congress and to help everybody look at the big picture.

In the meantime, we can use the new public attention and new leadership at the Corps to promote change and reform within the Corps itself so that they can be a critical ally in protecting the environment, making our communities more livable and our families safe, healthy and economically secure.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 43 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God of covenant love, grant penetrating peace and patient understanding to all families and this Nation as we learn to live with each other and all our differences.

Spread over us today the Spirit of Your covenant; that we may recognize Your presence in ordinary things and