

ELECTING CERTAIN MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Ms. ZOE LOFGREN of California. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1342

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Ms. Speier.

(2) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Ms. Edwards of Maryland (to rank immediately after Ms. Richardson).

(3) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Ms. Edwards of Maryland.

Ms. ZOE LOFGREN of California (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMITTING DESIGNATION OF INDIVIDUAL TO DISBURSE CAMPAIGN FUNDS UPON CANDIDATE'S DEATH

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3032) to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3032

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

SECTION 1. DESIGNATION OF INDIVIDUAL AUTHORIZED TO MAKE CAMPAIGN COMMITTEE DISBURSEMENTS IN EVENT OF DEATH OF CANDIDATE.

(a) *IN GENERAL*.—Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following new subsection:

“(j)(1) Each candidate may, with respect to each authorized committee of the candidate, designate an individual who shall be responsible for disbursing funds in the accounts of the committee in the event of the death of the candidate, and may also designate another individual to carry out the responsibilities of the designated individual under this subsection in the event of the death or incapacity of the designated individual or the unwillingness of the designated individual to carry out the responsibilities.

“(2) In order to designate an individual under this subsection, the candidate shall file with the Commission a signed written statement (in a

standardized form developed by the Commission) that contains the name and address of the individual and the name of the authorized committee for which the designation shall apply, and that may contain the candidate's instructions regarding the disbursement of the funds involved by the individual. At any time after filing the statement, the candidate may revoke the designation of an individual by filing with the Commission a signed written statement of revocation (in a standardized form developed by the Commission).

“(3) Upon the death of a candidate who has designated an individual for purposes of paragraph (1), funds in the accounts of each authorized committee of the candidate may be disbursed only under the direction and in accordance with the instructions of such individual, subject to the terms and conditions applicable to the disbursement of such funds under this Act or any other applicable Federal or State law (other than any provision of State law which authorizes any person other than such individual to direct the disbursement of such funds).

“(4) Nothing in paragraph (3) may be construed to grant any authority to an individual who is designated pursuant to this subsection other than the authority to direct the disbursement of funds as provided in such paragraph, or may be construed to affect the responsibility of the treasurer of an authorized committee for which funds are disbursed in accordance with such paragraph to file reports of the disbursements of such funds under section 304(a).”.

(b) *INCLUSION OF DESIGNATION IN STATEMENT OF ORGANIZATION OF COMMITTEE*.—Section 303(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 433(b)) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

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

“(7) in the case of an authorized committee of a candidate who has designated an individual under section 302(j) (including a second individual designated to carry out the responsibilities of that individual under such section in the event of that individual's death or incapacity or unwillingness to carry out the responsibilities) to disburse funds from the accounts of the committee in the event of the death of the candidate, a copy of the statement filed by the candidate with the Commission under such section (as well as a copy of any subsequent statement of revocation filed by the candidate with the Commission under such section).”.

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to authorized campaign committees which are designated under section 302(e)(1) of the Federal Election Campaign Act of 1971 before, on, or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous matter in the RECORD on H.R. 3032.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I fully support H.R. 3032, a

bill to amend the Federal Election Campaign Act of 1971.

This bill will allow Federal election candidates to designate someone to disburse their campaign funds in the event of their deaths. The Federal candidate would be able to designate this person by filing the appropriate form with the FEC and could also revoke or change the designee at that time.

H.R. 3032 will assure candidates for Federal office that the funds raised by their campaign committees will be distributed only in accordance with their express wishes after they are deceased.

H.R. 3032 is a commonsense fix to the Federal Election Campaign Act. It would provide clear direction to campaign treasurers who may be faced with a wide range of conflicting and confusing State laws.

I urge all Members to support this legislation.

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

Mr. EHLERS. Mr. Speaker, I rise in support of H.R. 3032.

This has an interesting history and it attracted my attention as soon as Mr. JONES spoke to me about it because I had worried myself about what might happen to my campaign funds if something should happen to me. And as a matter of fact, as I was getting wills prepared, I had an attorney draw up a letter that I might sign so I could designate who would be the person to make a decision about my remaining campaign funds.

As you know, by law we are limited to certain dispositions of campaign funds, but the law does not specify how they must be disposed of and in what quantities. And when Mr. JONES approached me, I said, well, that's good because I solved it for myself, but we really should solve it for everyone.

The bill, I think, is an excellent bill, which simply provides that each Federal candidate would be allowed to designate an individual who, in the event of the death of the candidate, would be authorized to make arrangements for the disbursement of campaign funds. He speaks from personal experience in his family, where his father passed away and there was some difficulty deciding how the funds should be disposed of, but also, all of us could face that possibility.

Under current campaign laws, it is understood today that the treasurer can decide what to do with the money and hand it out willy-nilly, whichever way he or she wishes, without any consultation with the family. We think it's very important that the candidate, him or herself, specify very clearly precisely how they want their campaign funds disbursed.

Also, we have made an additional provision in this bill because it is very well possible that a candidate's position may change, or the person he has designated may have passed away, and therefore, a candidate may propose at any time or file with the FEC a statement at any time changing the designation that he or she as a candidate may have made earlier.

We have given a lot of flexibility in this bill. Individuals, candidates, or Members are not required to file such a statement if they don't wish to, but we're simply giving them the option of doing so and of changing it at any time they wish in the future.

At this point, Mr. Speaker, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I would like to recognize the author and sponsor of this bill, Representative WALTER JONES, for as much time as he might consume.

Mr. JONES of North Carolina. Mr. Speaker, I will be fairly brief.

I want to thank Chairman BRADY, Ranking Member EHLERS, Ms. ZOE LOFGREN, and you, yourself, Mr. Chairman, for working on this legislation. It certainly is something that we don't think about, life and death, as much as maybe we should and be prepared. But it has been explained by Ms. LOFGREN and Mr. EHLERS exactly what it does. So I want to quickly say that when my father, who served in the Congress 26 years, passed away and we were trying to settle his estate, the treasurer of his account, an attorney, who didn't really want anything, but he said by law I'm responsible for the distribution of these monies. And so it came to me at that time that it should be made as easy for the family as possible when a loved one, if he or she is serving, or maybe a candidate should pass away in office, and it does happen, sadly, from time to time.

So, again, in closing, I want to thank Mr. EHLERS and Mr. BRADY and Ms. LOFGREN for moving this bill to the floor of the House. And I hope one day that the President can sign this because it's what should be done for the family.

Mr. EHLERS. Mr. Speaker, I simply want to commend Mr. JONES for writing this bill and submitting it. I'm very pleased that it has reached this point. I believe it is going to be very helpful to every Member of Congress, both in the House and the Senate, and I commend him for his work on this and I urge its passage.

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

Ms. ZOE LOFGREN of California. Mr. Speaker, as I have no additional speakers, I would just urge passage of this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 3032, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1700

FEDERAL ELECTION COMMISSION FINES AUTHORIZATION EXTENSION

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6296) to extend through 2013 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6296

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

SECTION 1. EXTENSION OF ADMINISTRATIVE PENALTY AUTHORITY OF FEDERAL ELECTION COMMISSION THROUGH 2013.

(a) EXTENSION OF AUTHORITY.—Section 309(a)(4)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(4)(C)) is amended by adding at the end the following new clause:

“(iv) This subparagraph shall apply with respect to violations that relate to reporting periods that begin on or after January 1, 2000, and that end on or before December 31, 2013.”

(b) CONFORMING AMENDMENT.—Section 640 of the Treasury and General Government Appropriations Act, 2000 (Public Law 106-58; 2 U.S.C. 437g note) is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Treasury and General Government Appropriations Act, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous matter in the RECORD on H.R. 6296.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I fully support H.R. 6296, which will extend the Federal Election Commission's administrative fines programs through 2013.

The administrative fines program permits the FEC to impose civil fines on political committees that file late or not at all. The fines program allows the FEC to quickly resolve minor violations of the act and concentrate its resources on more complex enforcement matters. The fines program also assures political and candidate committees that they can resolve minor errors by paying a fixed monetary penalty, avoiding a long and potentially complicated enforcement process.

There has been a significant decrease in the number of late and nonfiled re-

ports since the start of this program. At the FEC the fines program also enjoys the unanimous bipartisan support of all of the commissioners. The fines program is due to expire at the end of this year without congressional intervention. The program should be extended to allow the agency to concentrate on more complex issues once it has a full slate of members.

H.R. 6296 will amend the Federal Election Campaign Act to extend the fines program until December 13, 2013. I urge all Members to support this legislation.

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

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

I rise today to support H.R. 6296, which would amend the Federal Election Campaign Act of 1971 to extend through 2013 the authority of the Federal Election Commission to impose civil monetary penalties on political committees that file reports late or not at all rather than going through the traditional enforcement process. This bill is necessary because that authority, which they currently have, expires at the end of this year.

This bill is not a glamorous one. It will not capture the attention of voters who look to Congress to lower the price at the pump, even though we would all like to do that. Nonetheless, it is an important program designed to protect our Nation's campaign process from being thwarted by insisting upon the utmost transparency if an individual chooses to seek public office.

The administrative fine program, which was established in 2000, permits the FEC to assess fines if a candidate is found to be in violation of mandatory Federal campaign finance reporting requirements. Since its inception, the administrative fine program has proven successful in its two objectives:

First, the program frees up commission resources for more complex and higher profile enforcement matters. This is especially important now that the commission has formed and its important work can continue in a bipartisan fashion. Second, it reduces the number of financial reports filed late or not at all, which furthers the goals of the commission as a whole.

As of March 2008, the FEC had collected over \$2.1 million in civil penalties for over 1,600 cases processed under the program. The fines collected are turned over to the U.S. Treasury, ensuring that there is no monetary gain to the FEC for applying such penalties. By implementing such a structure, there can be no calls of falsely using the fine program as a way for the agency to line its own coffers, thereby increasing confidence in the FEC's enforcement actions.

Without this bill, as I mentioned earlier, this successful program is scheduled to end on December 31, 2008. I am pleased to be able to join with my colleague in the House Administration Committee, Chairman BRADY, as a cosponsor of this bipartisan measure. I