

## PERSONAL EXPLANATION

Mr. LAMPSON. Mr. Speaker, on June 25, 1998, on rollcall vote 274, I am recorded as not voting. I was hosting the Vice President in my district on that afternoon. This bill provides for restructuring the management of the Internal Revenue Service by establishing an oversight board to oversee the agency's operations. Along with expanding certain taxpayer rights, the conference report also reduces from 18 months to 12 months the time a taxpayer must hold an investment before being eligible for the 20 percent tax rate on capital gains.

Had I been recorded on that vote, I would have voted "aye".

## PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained for recorded votes earlier today. If I had been present for the following votes, I would have voted as follows: Rollcall 297, H.R. 3874, "aye"; rollcall 298, H. Con. Res. 208, "aye"; rollcall 299, H. Res. 392, "aye"; rollcall 300, H. Con. Res. 301, "aye".

BIPARTISAN CAMPAIGN  
INTEGRITY ACT OF 1997

The SPEAKER pro tempore (Mr. LAHOOD). 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.

□ 2125

## 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. BARR of Georgia (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, the amendment offered by the gentlewoman from Kentucky, Mrs. Northup, has been disposed of.

It is now in order to consider the amendment by the gentleman from Virginia (Mr. GOODLATTE).

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

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

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

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

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

Add at the end the following new title:

**TITLE —VOTER REGISTRATION  
REFORM****SEC. —01. REPEAL OF REQUIREMENT FOR  
STATES TO PROVIDE FOR VOTER  
REGISTRATION BY MAIL.**

(a) IN GENERAL.—Section 4(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2) is amended—

(1) in paragraph (1), by adding "and" at the end;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) CONFORMING AMENDMENTS RELATING TO UNIFORM MAIL VOTER REGISTRATION FORM.—

(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) is amended by striking section 9.

(2) Section 7(a)(6)(A) of such Act (42 U.S.C. 1973gg-5(a)(6)(A)) is amended by striking "assistance—" and all that follows and inserting the following: "assistance a voter registration application form which meets the requirements described in section 5(c)(2) (other than subparagraph (A)), unless the applicant, in writing, declines to register to vote;"

(c) OTHER CONFORMING AMENDMENTS.—(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) is amended by striking section 6.

(2) Section 8(a)(5) of such Act (42 U.S.C. 1973gg-6(a)(5)) is amended by striking "5, 6, and 7" and inserting "5 and 7".

**SEC. —02. REQUIRING APPLICANTS REGISTER-  
ING TO VOTE TO PROVIDE CERTAIN  
ADDITIONAL INFORMATION.**

(a) SOCIAL SECURITY NUMBER.—

(1) IN GENERAL.—Section 5(c)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-3(c)(2)) is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(F) shall require the applicant to provide the applicant's Social Security number."

(2) CONFORMING AMENDMENT.—Section 5(c)(2)(A) of such Act (42 U.S.C. 1973gg-3(c)(2)(A)) is amended by inserting after "subparagraph (C)" the following: ", or the information described in subparagraph (F)".

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1999, and shall apply with respect to applicants registering to vote in elections for Federal office on or after such date.

(b) ACTUAL PROOF OF CITIZENSHIP.—

(1) REGISTRATION WITH APPLICATION FOR DRIVER'S LICENSE.—Section 5(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-3(c)) is amended by adding at the end the following new paragraph:

"(3) The voter registration portion of an application for a State motor vehicle driver's license shall not be considered to be completed unless the applicant provides to the appropriate State motor vehicle authority proof that the applicant is a citizen of the United States."

(2) REGISTRATION WITH VOTER REGISTRATION AGENCIES.—Section 7(a) of such Act (42 U.S.C. 1973gg-5(a)) is amended by adding at the end the following new paragraph:

"(8) A voter registration application received by a voter registration agency shall not be considered to be completed unless the applicant provides to the agency proof that the applicant is a citizen of the United States."

(3) CONFORMING AMENDMENT.—Section 8(a)(5)(A) of such Act (42 U.S.C. 1973gg-6(a)(5)(A)) is amended by striking the semicolon and inserting the following: "; including the requirement that the applicant provide proof of citizenship;"

(4) NO EFFECT ON ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.—Nothing in the National Voter Registration Act of 1993 (as amended by this subsection) may be construed to require any absent uniformed services voter or overseas voter under the Uniformed and Overseas Citizens Absentee Voting Act to provide any evidence of citizenship in order to register to vote (other than any evidence which may otherwise be required under such Act).

**SEC. —03. REMOVAL OF CERTAIN REGISTRANTS  
FROM OFFICIAL LIST OF ELIGIBLE  
VOTERS.**

(a) IN GENERAL.—Section 8(d) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(d)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) At the option of the State, a State may remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence if—

"(i) the registrant has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the day after the date of the second previous general election for Federal office held prior to the date the confirmation notice described in subparagraph (B) is sent and ending on the date of such notice;

"(ii) the registrant has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in any of the first two general elections for Federal office held after the confirmation notice described in subparagraph (B) is sent; and

"(iii) during the period beginning on the date the confirmation notice described in subparagraph (B) is sent and ending on the date of the second general election for Federal office held after the date such notice is sent, the registrant has failed to notify the State in response to the notice that the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction.

"(B) A confirmation notice described in this subparagraph is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which a registrant may state his or her current address, together with information concerning how the registrant can continue to be eligible to vote if the registrant has changed residence to a place outside the registrar's jurisdiction and a statement that the registrant may be removed from the official list of eligible voters if the registrant does not respond to the notice (during the period described in subparagraph (A)(iii)) by stating that the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction."

(b) CONFORMING AMENDMENT.—Section 8(i)(2) of such Act (42 U.S.C. 1973gg-6(d)) is amended by inserting "or subsection (d)(3)" after "subsection (d)(2)".

**SEC. —04. PERMITTING STATE TO REQUIRE  
VOTERS TO PRODUCE ADDITIONAL  
INFORMATION PRIOR TO VOTING.**

(a) PHOTOGRAPHIC IDENTIFICATION.—Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

"(j) PERMITTING STATES TO REQUIRE VOTERS TO PRODUCE PHOTO IDENTIFICATION.—A State may require an individual to produce a

valid photographic identification before receiving a ballot (other than an absentee ballot) for voting in an election for Federal office."

(b) SIGNATURE.—Section 8 of such Act (42 U.S.C. 1973gg-6), as amended by subsection (a), is further amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

"(k) PERMITTING STATES TO REQUIRE VOTERS TO PROVIDE SIGNATURE.—A State may require an individual to provide the individual's signature (in the presence of an election official at the polling place) before receiving a ballot for voting in an election for Federal office, other than an individual who is unable to provide a signature because of illiteracy or disability."

**SEC. 05. REPEAL OF REQUIREMENT THAT STATES PERMIT REGISTRANTS CHANGING RESIDENCE TO VOTE AT POLLING PLACE FOR FORMER ADDRESS.**

Section 8(e)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(e)(2)) is amended—

(1) by striking "(2)(A)" and inserting "(2)"; and

(2) by striking "election, at the option of the registrant—" and all that follows and inserting the following: "election shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law."

**SEC. 06. EFFECTIVE DATE.**

The amendments made by this title shall apply with respect to elections for Federal office occurring after December 1999.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 20 minutes.

Mr. LEVIN. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

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

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Chairman, I rise today to offer an amendment to the Shays-Meehan substitute. This amendment contains common sense reforms that will restore integrity to our elections.

Mr. Chairman, voting is the most important responsibility of any citizen in a democracy. Many brave men and women have given their lives to protect our right to vote, to determine for ourselves the shape and direction of our government.

When individuals are allowed to abuse our electoral process, it destroys the integrity of our democracy. It erodes public confidence in the system and sends a signal to the American people that their vote does not count. It suggests that government is not really the people's but rather a tool of

those who would corrupt it for their own personal gain. This breeds cynicism and destroys the motivation of our citizens to participate.

This amendment addresses the real problems of voter fraud that demean our democracy. In the past several years, Congress has tried to make it easier for American citizens to participate in the democratic process by enacting legislation which relaxes regulation and voting requirements.

We can all agree that this is a noble and responsible goal. In this effort, however, Congress has denied the States the ability to maintain reasonable requirements that protect the security and integrity of our elections. Therefore, we must act now to restore vital protections that ensure our elections will truly represent the will of the people.

This amendment restores integrity in our electoral system by targeting three major areas, the voter registration application process, the maintenance of voter rolls, and voting on election day. It is modeled after legislation I introduced last year and is also similar to legislation considered by the House earlier this year.

To address shortcomings in the voter registration system, the amendment requires anyone registering to vote to show proof of their citizenship. To make this provision feasible and to further improve the registration process, it repeals the Federal requirement that States must permit individuals to register by mail.

Let me be clear on this point. This amendment does not prevent States from allowing voter registration by mail. It simply gives States a choice by removing the current Federal mandate of mail in registration.

□ 2130

Currently there is no way to ensure that individuals registering by mail are actually United States citizens or if they are even who they say they are. The American people may be shocked to know there is essentially nothing to prevent an individual from mailing in a registration card with phony information and being allowed to vote.

Second, the amendment includes provisions to improve the ability of State election officials to maintain accurate voter rolls. It allows, not requires, but allows a State to purge the rolls or remove the names of voters from the Federal election rolls if they have not voted in two consecutive Federal elections and do not respond to a confirmation notice.

In addition, my amendment addresses the problem of double voting by repealing the provisions of current law that allow individuals who have recently moved within a county or district to vote at the voting location of either their old or their new address.

To combat voter fraud on election day, my amendment implements two important provisions. First, it permits, but does not mandate, that States re-

quire voters to sign their name before entering the voting booth. Then, if it becomes necessary to investigate an election, States will be able to compare the signatures on the voting lists with the signatures on the voter registration forms to verify identity.

Second, my amendment permits, but does not mandate, that States require individuals to produce photo ID's in order to vote in a Federal election. The amendment also includes a provision clarifying that none of these provisions interfere with the law governing overseas and military voting.

Mr. Chairman, the American people expect their elections to be clean, fair, and honest. This amendment restores the prestige that has long been an integral part of our Nation's electoral process.

I urge my colleagues to support this common sense amendment protecting our elections from fraud and abuse.

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

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

Mr. LEVIN. Mr. Chairman, this proposal has nothing to do with campaign reform. What it would do would be to turn back a law that we passed a few years ago.

Why is it being done? It was said in a different time that money is the mother's milk of politics, but, unfortunately, increasingly there has been a poisoning of politics by money. Now, in order to thwart the effort to take the endless flow of money out of politics, to have responsibility and accountability, the gentleman from Virginia (Mr. GOODLATTE) is essentially presenting a poison pill, a poison pill to bring down Shays-Meehan. He knows very well, as should anybody who votes for it, that Shays-Meehan cannot become law with this provision in it.

The President has made clear his position about the motor-voter bill. It is very clear on this side of the aisle where we stand, and I am hopeful that those on the majority side who really want Shays-Meehan will say this: Look, we will argue motor-voter, but some other day.

The bill before us relates to the flow of money into politics. There are endless electoral provisions, endless, that could be brought up at this point that are not essentially related to money.

So what does this bill do? It essentially requires Social Security numbers on voter registration applications. Though there is question whether that is even constitutional, I think it is bad policy. You talk about intrusion by the Federal Government, and you want that requirement? You do not want to leave it to the States?

Also, there is a requirement regarding photo identification. Now, look, under present law, States can provide or require that kind of identification, as long as it is done in a uniform, non-discriminatory way and in compliance with the Voting Rights Act. Essentially, the gentleman from Virginia

(Mr. GOODLATTE) wants to repeal this part of the Voting Rights Act.

Also the provisions regarding mail-in requirements, now, I understand why some people do not like this. There are some who have made a calculus that the more who vote, the worse it is for them.

But that is violative of the democratic process, in my judgment. We should all be for encouraging more voters, not less. There are also provisions here about dropping people from the rolls for not voting, and I understand there is some controversy about this, about the law that we passed several years ago. But let us take it up in a forum, in a format, that does not threaten this bill.

Mr. Chairman, I would just close with this: We have an opportunity to act. Everybody sitting in this body knows better than anybody else the contamination caused by the endless anonymous flow of money. Everybody, worthy people who know more than virtually anybody else about this. And we should be the ones leading reform, not the ones waiting for an uprising.

This amendment, if adopted, would kill Shays-Meehan. If attached to the freshmen bill, if that were to come up, it would kill it. I think that is perhaps why it is being introduced here.

Mr. Chairman, I urge its defeat. Let us take up campaign finance reform as promised, and we will take up these other issues some other day.

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

Mr. GOODLATTE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, our act only amends the so-called Motor-Voter Act, which is superseded by the Voting Rights Act, which is not affected by this legislation in any way, shape or form.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I rise to strongly support this amendment by the gentleman from Virginia (Mr. GOODLATTE). The gentleman and I have worked for a long time about trying to take fraud out of the motor-voter laws and out of the laws that exist today, the potential for fraud, throughout this Nation. I know the gentleman has no intention to offer this for any other purpose than to advance that cause.

There are two provisions within the gentleman's amendment identical to those which I put in in a separate bill for a separate session of Congress, two provisions that are supported by all 67 supervisors of elections in the State of Florida, both Democrat and Republican.

One of those that they all find critical to being able to fight voter fraud is to be able to purge the rolls every couple of years. They are not now permitted to do it. The cost that they have, they are enormous in carrying these rolls. There are many duplications on those rolls.

It is ridiculous to require that you cannot purge, and that is what the law today says, you cannot remove names. If proper notice is given, like the Goodlatte amendment requires, and confirmation notice follows it up, everybody is given an opportunity, if you have not voted in two consecutive Federal elections, the supervisor's office should certainly be allowed to purge the role and eliminate the name.

The other is the Social Security card question. Right now most supervisors do not feel that they have the authority to require the production of a Social Security number when somebody registers to vote. Having that number on record is very essential to avoid the duplication that occurs. Potentially when people have the same names, it is very, very bad. Twenty-one Jane Smiths do exist out there. What about people in other counties?

It is very important to have that provision in the law, and I strongly urge the adoption of this amendment for both of those reasons, but I fully support the entire provisions that are in this amendment, and urge a yes vote on the Goodlatte amendment.

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

Mr. LEVIN. Mr. Chairman, I yield 4 minutes to the gentlewoman from California (Mrs. CAPPS).

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

Mrs. CAPPS. Mr. Chairman, I rise today in support of the bipartisan Shays-Meehan campaign finance reform bill. Since my first day in office, I have been working hard with these two colleagues and many others to deliver meaningful, sensible reform of our beleaguered campaign finance system for the American people.

I am dismayed that some Members of this House have played partisan politics with common sense legislation. The amendment currently under debate is another attempt to derail Shays-Meehan and kill finance reform. The Goodlatte amendment would effectively repeal the mail-in registration provision of the motor-voter law.

During my recent special election, a massive vote-by-mail drive conducted both by my campaign and my opponent's campaign led to overwhelming voter participation. In fact, our special election witnessed the highest voter turnout in a special election in the history of elections in California. Without mail-in registration, many hard working men and women would not have been able to vote.

Registering to vote and getting to the polls is often difficult for people who struggle to balance their jobs with the need to drive their kids to and from school and other activities. Terminating mail-in registration would also, for obvious reasons, disenfranchise elderly and disabled voters. The current motor-voter law has been tremendously successful. Currently we have the highest percentage of voter reg-

istration, 73 percent, since reliable voting records were first made available in 1960.

Mr. Chairman, do we only want people to register to vote who are young, able-bodied and have flexible schedules? Clearly the answer is no.

I am also very concerned with the provision in this amendment which would allow States to require a photo ID in order to vote. A variant of this idea was implemented during my special election in March, and it had disastrous results.

The Secretary of State of California asked poll workers to request that voters voluntarily submit their driver's licenses to clean up the voter data base. This seemingly innocent request led to many troubling incidents. One elderly Santa Barbara woman went to her polling location only to be told she could not vote because she failed to produce a driver's license.

This woman, who no longer drove a car, had voted in every election as long as she could remember. She no longer had any need for a photo ID and was distraught when told she could not vote. Finally a poll worker allowed the woman's husband to vouch for her identity.

In addition, poll workers did not consistently enforce the Secretary of State's request. Voters in areas that have larger Hispanic populations were required to show driver's licenses more often than voters in more affluent, predominantly white neighborhoods.

This program, which was scheduled to be implemented throughout the State, has since been cancelled. Actually voter registration, when effectively implemented, provides the voter with all the ID necessary. If you are adequately registered, you have the right to vote.

Requiring voters to show a photo ID is intimidating to new voters who are still unsure of the process. This action inadvertently leads to discrimination against voters of different races and nationalities. In all likelihood, someone who looks like me would not be asked to produce a photo ID at my polling location, but a Latino American or Asian American would be.

We need to be implementing laws that encourage voter participation, rather than chasing away eligible voters already engaged in the process. I urge a no vote to this amendment, and I hope we will pass the Shays-Meehan bill very soon.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank my friend from Virginia for yielding me time.

Mr. Chairman, I strongly support the Goodlatte amendment to restore integrity to elections. There is no more revered right of citizenship than the right to vote. The 1996 Illegal Immigration Reform and Immigrant Responsibility Act made it both a Federal crime and a deportable offense when noncitizens vote.

Allowing noncitizens to vote cheapens the right for the rest of us. There is currently no satisfactory way for local registrars to ensure that there are no noncitizens on their voting rolls or for the Justice Department to enforce the penalties. Attempts have been made to check voting rolls against Immigration and Naturalization Service records in order to identify noncitizens. However, INS data, at best, can only tell us that a voter is a legal immigrant or a citizen. INS data cannot tell us whether a voter is in fact an illegal alien.

I want to thank my friend from Virginia (Mr. GOODLATTE) for offering this amendment. The enactment of the motor-voter law and the loosening of voter registration requirements have released a flood of voter irregularities and illegalities across the country. Not only has motor-voter failed to increase voter turnout, it in fact has encouraged voter fraud.

I urge my colleagues to support this amendment and let the American people know that we will protect and honor their right to vote, and restore integrity to the election process.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, it is ironic in a bill designed to encourage the faith of the American people in the political process we would see an amendment like this that is a veritable wish-list of provisions to discourage voter participation. Our rate of voter participation is low enough as it is. We should be encouraging people to get involved, not throwing up roadblocks.

□ 2145

This amendment actually allows the State to remove one from the voter rolls if one fails to vote in two consecutive elections. Now, I wish everyone would vote in every election, but since when does one have to vote in every election to maintain one's right to vote, or in every two elections? I think most Americans would find that outrageous. This is a constitutional right we are talking about taking away, and why? Because the person missed an election? Voter registration by mail is an important option for people who are homebound or who have limited access to transportation. Why would we take away that option? What evidence is there that this is encouraging voter fraud?

Perhaps worst of all, this amendment gives the States free rein to require additional information to vote, including a photo I.D. and so-called proof of citizenship, yet we already know from the now totally discredited Dornan investigation that our, meaning the Federal Government's current records, produced all sorts of mistakes. Nuns and our own military men and women were falsely accused of illegal voting. We know that selective enforcement of such I.D. will be applied to those who may not have blond hair or blue eyes or otherwise be considered typically

American. Is that the type of system we want to make nationwide? I hope not.

The question is, are we going to encourage voter participation and make it convenient for our citizens to vote, or are we going to turn the voting process into a system of government background checks, interrogations and false accusations?

The ballot box should be a place of sanctity and freedom, not of distrust and suspicion.

This amendment should be defeated. It is anti-voter, it is anti-participation, and it is anti-democratic.

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank my friend from Virginia for yielding me this time.

Mr. Chairman, I rise tonight in strong support of this amendment, because far from being a poison pill, it carries to the logical conclusion what we should all be about in this Chamber, and that is the elimination of corruption in the campaign and election process. The election is the logical culmination of the campaign. Mr. Chairman, we should stand foursquare for the legitimate rights of United States citizens to vote in open and honest elections. The Goodlatte amendment helps ensure this.

Mr. Chairman, I have spent part of this weekend in the Pleasant Valley of Arizona in the tiny hamlet of Young, and people there came and asked me, they said, "When we go to the city and go to buy something at a grocery store with a check, we have to show two forms of identification. But under current United States law, we require no identification to claim citizenship to vote."

Mr. Chairman, reasonable people would call for this rational reform for open, fair and free elections.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR), a leader in this entire effort.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I am sitting here tonight wondering what is happening to us. Have we become so suspicious of our own country that we do not believe in democracy anymore? This debate is supposed to be about campaign finance reform, and now we are debating an amendment that says we do not trust the people who are asking to participate in our democracy.

The gentleman from Connecticut (Mr. SHAYS) and I were both in the Peace Corps. We were so proud of talking about what is the governance structure of this country. I have to tell my colleagues that this amendment tonight is going too far. This says we do not trust the people out there; we do not want to be a government by the people.

We are sitting here in this room with all of these law-givers around us, and I

realize that not one of them, except for Thomas Jefferson, was a citizen. But how could we prove he was a citizen, because when he was born, there was no country. So the people we respect we now deny with these kinds of amendments in saying that if one is an American, one has to prove it.

Which one of us walks around with any kind of proof that shows that you are an American citizen? Show me. There is not one thing on your body that has it. Not a driver's license, not a credit card. It does not say you are a citizen of America, but this amendment is going to require it, an I.D. with a photo. One has to have a Social Security card and put down Social Security numbers, driver's license numbers?

The American public is going to say, what are you doing to us? Is this what you require of us to participate in a democracy that is of the people, by the people and for the people? My God, this is the country that did away with literacy tests to allow people to vote, and poll taxes, and now we are putting it back on in indirect ways.

We should look before we leap with these kinds of amendments. This is a bill about congressional campaign reform, about finance reform, about how we pay for elections; not how we distrust the voters of America. I think we are doing a pretty good job and I think our forefathers would be ashamed of us in thinking of this kind of an amendment.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

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

Mr. Chairman, we recently had an election in Louisiana under the "motor voter" law. That election left us with a huge and extended voter inquiry by the Senate committee questioning the outcome of that Senate race. The reason that happened in our State was, the allegations of people registering improperly and then voting multiple times by simply changing outer garments and coats and walking back in the polls and voting again, the reason all of that happened was because the election safeguards in our State completely broke down. The Senate committee that investigated that election ended up saying, "We cannot tell you whether or not voter fraud occurred in Louisiana, because all of the systems by which we ought to be able to tell whether it occurred broke down."

A newspaper in Lake Charles using the motor voter law attempted to register 21 fictitious individuals and ended up registering 19 successfully. One of them was a dog, and anyone representing themselves to be that person that was a dog could have shown up on Election Day in Louisiana and voted because this was no requirement in the law then to produce any photo I.D. Since that time, the Federal Government has finally allowed Louisiana to require a photo I.D. It is now the law of

Louisiana, now approved by the Justice Department in our State following that terrible, indeed questionable election in Louisiana.

What this amendment does is to do two things that I think are vitally important to improve the motor voter law in our country. It says that the States can indeed provide mail balloting if they want to, mail registration, but that if they do, proof of citizenship should be required.

We ought to know who is registering. We should be able to prove who we are; and then, secondly, when one shows up to vote, there ought to be some identifiable photo, just as one would present a photo when one checks one's luggage at an airport or try to buy tobacco in a grocery store, some identifiable indication of who you are, that you are the person who is registering. Those two changes are critical for valid elections in America.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL), surely a leader in the campaign reform effort.

Mr. CAMPBELL. Mr. Chairman, I thank my generous friend for his kind comments.

If I might engage the author for just a second of clarification, I would be so grateful, if he would care to respond. I would inquire of the gentleman, does the gentleman's amendment require the use of the Social Security number in order to vote?

Mr. GOODLATTE. Mr. Chairman, if the gentleman will yield, the amendment does call for a Social Security number and proof of citizenship to register to vote.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, I appreciate the gentleman answering me. The gentleman from Virginia has been honest and fair in his representation of his amendment; nevertheless, it greatly troubles me, and I am sorry that the gentleman added that to his bill. We should not require the use of the Social Security number in that way.

I will tell my colleagues why. First of all, it gets pretty close to the national I.D. and I have always tried to prevent that from happening. Secondly, the Social Security number is a matter of privacy to a whole lot of us, and if we require it, we are going to have that on the voter registration rolls and people are going to find out what one's Social Security number is, and from that a lot of things can be done to identify somebody that they may not otherwise have.

It probably is not the gentleman's intention, but he moves us one step along the way that motor voter moved us, and I voted "no" on motor voter because I thought it was too much Federal intrusion into States' rights in establishing what are the qualifications for voting.

The Constitution says that it is the States that are responsible for determining the qualifications for electors. The Constitution says it is the same

qualifications as electors for the most numerous branch of the State legislature. So we in California, we get to decide that. You in Virginia and in your legislature would get to decide that. But motor voter said no, we are going to have Federal rolls.

Well now, again, no doubt with the best intentions, I think the gentleman from Virginia is moving us farther along that way by saying the Federal Government mandates that this shall also be a qualification for election, namely the use of a Social Security number, even though the Constitution says for Federal elections, for Federal elections, it is the business of the States. I regret I must oppose this amendment.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume to quickly say that this in no way establishes a national I.D. card. This is simply for the purpose of the security of the ballots.

I agree with gentleman's concern about the motor voter laws that mandated so many requirements on the States, and this repeals a great many of those mandates upon the States, and it does not use that number for any purpose, nor does it permit it for any additional purpose other than an establishment of the individual's citizenship in this country.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this amendment. What we are talking about is the elimination of what we Californians who are aware of what is going on call the illegal alien voter registration act, which was called by this body the motor voter act.

This amendment makes real the alleged purpose of the bill that we are talking about. We are talking about reforming the political process to ensure that election results will reflect the will of the American people. Well, there is nothing better that we can do to accomplish this end than to protect the rights of our own people by making sure that the election process and the sanctity of the ballot is protected, to ensure that American votes are not made meaningless by the votes of millions of noncitizens, many of whom have come here illegally.

Back in 1993 when the Democratic Party controlled both Houses of Congress, they established rules that went far too far to open up the system, and thus they left the system opened up to incredible abuse. We are trying to bring balance back to that, ensure the sanctity of the ballot for the will of the American people. Support this amendment.

Mr. LEVIN. Could I ask the Chairman once again to give us the time remaining on each side?

The CHAIRMAN pro tempore. The gentleman from Michigan has 6½ minutes remaining; the gentleman from Virginia has 7 minutes remaining.

Mr. LEVIN. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Texas (Ms. Jackson-Lee).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his kindness.

I wonder what President JOHNSON would have thought as he signed the Voter Rights Act of 1965, where so many people had been left out of the circle of empowerment, were denied the right to vote, but on the sweat and tears and the advocacy of those who watched and walked, those of us who looked like me were able to vote.

This is legislation is the killer weed legislation. It is to destroy campaign finance reforms. It stings and it hurts. It denies truck drivers and welfare mothers and laborers and domestics who have inflexible time the ability to go and vote. It purges people from the right to vote, from the voter polls, and it is unconstitutional.

A 4th Circuit case in 1993 said that if you require someone to use their Social Security number in order to vote, you deny them the right of the 1st and 14th Amendments. It is unconstitutional. We know what you are saying here. People with different names, people that come from different walks of life, whose skin color is different, this is to get these kinds of folk off of the polls.

What are we talking about here in America? The right to vote. My view is that all Americans want everyone to have the right to vote, yes, and to vote legally.

□ 2200

The States can determine whether one is legally able to vote. They can require ID when voters go to the polls. Mr. Chairman, this is not campaign finance reform. It is killer bee legislation. It is destructive legislation. It destroys the right to vote. It infringes on privacy.

It says to those who could be intimidated, "We will intimidate you," and it says to those who died for those to vote that their life was in vain.

Mr. Chairman, I ask my colleagues to vote against this bill that destroys democracy in America.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Chairman, I thank the gentleman from Virginia (Mr. GOODLATTE) for yielding me this time, and I congratulate him on his proposal.

Mr. Chairman, I grew up in California where we had honest elections. We did not at the turn of the century, but a great progressive Republican governor, Hiram Johnson, turned that State around.

We no longer have honest elections in parts of California. The fact is in my own district, a section of San Pedro, the person who was the assassin of the Mexican presidential nominee happened to live in my district. He registered twice. He was not an American citizen.

I think anyone who says, hey, that it does not matter whether a voter is a citizen, I cannot believe it. People come here to become citizens. My father was an immigrant and his proudest day was when he became a citizen and could vote.

There is no reason we should not require proof. Photo ID? We do not get on an airplane flight in this country without showing a photo ID. Do my colleagues who oppose this amendment mean to say that an airplane flight has greater weight than proof of citizenship in an election at the polls? Of course the proof of citizenship should be there.

The fact is we just voted for a proposal to stop the walking around money. Now we know in Texas and other areas there is great use of some of the walking around money. People coming across the border. The Duke of Duval County decided Texas elections by hundreds and thousands of votes that he illegally put on the rolls.

On the purging of the rolls, I recall our friends on the other side of the aisle who in 1993 dominated that Congress. When it was put to them: Should we not purge the rolls at least in 5 years or 10 years? "No, you cannot do it," they said. How about 25 years? "No, you cannot do it." How about 50 years? Can we not say that those people who have never voted for 50 years and are still on the rolls must not still be around? "No," we were told by the then majority "sorry, cannot do it." And then we got to a hundred years in an amendment offered by the distinguished gentleman from Louisiana [Mr. LIVINGSTON] who knows where fraud is.

Mr. Chairman, I would say let us back citizenship when it comes to American elections. Let us have honest elections.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, this is a poison pill proposal designed to kill campaign finance reform. Pure and simple. But what is amazing about what the Republicans are doing here tonight is that it is anti-American, that it disregards States rights, that it is an intrusion into the privacy of American citizens.

Just a little while ago we voted with the Republicans to deny the right to spend one dollar to help a senior citizen to the polling place on Election Day. Now we have a proposal that would say voters have to present a Social Security number and card and proof of citizenship. Well, all of this is undermining the voting rights of all of our citizens and, of course, the Voting Rights Act that so many fought and even died for.

What are my colleagues on the other side doing? Are they taking us back to the time that many of us know too much about? Literacy tests? Poll tax?

Well, some of us and our forefathers have been in this struggle. They have been in this fight to get rid of that

kind of discrimination and marginalization and denial. Some of us even joined to help our friends in South Africa against national ID, known as pass laws. We are not going back there.

Mr. Chairman, if this is some attempt to kill the bill, let me just tell my colleagues this. It does not matter whether or not they are able to convince people on this floor to vote for this kind of anti-American proposal. We will beat them in the courts on this, because this is unconstitutional.

So I would hope that my colleagues would live up to who they are supposed to be. I cannot imagine what the American people will think about the kinds of things that they are doing that are so anti-American. This is unconstitutional, and I ask for a "no" vote.

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. EHLERS).

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

Mr. EHLERS. Mr. Chairman, a very fundamental question in the American democracy is how do we ensure that voters are legal voters? What is the purpose of voter registration? It is, pure and simple, to prevent fraud.

We have to recognize that the laws of this land are written to control the bad folks, not the good folks. And I do not think it is an insult to Americans to have voter registration. But if we have registration, there has to be some requirement that the people have met the requirements of the registration laws. How do we do this? By checking identification when someone registers to vote.

If we prohibit that, if we have simple mail-in voting registration for anyone that wishes, then why have registration at all? Why not just simply use the poll directory or the telephone directory and check people off on that as they vote?

If we are going to have a voter registration and the purpose of it is to prevent fraud, we have to ensure that fraudulent behavior does not take place and this bill will do that.

Mr. LEVIN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Connecticut (Mr. SHAYS), co-author of this legislation in the battle for reform.

Mr. SHAYS. Mr. Chairman, I thank the gentleman from Michigan (Mr. LEVIN) for yielding me this time.

Mr. Chairman, I voted for the motor voter bill and I did so as a Member who represents Stanford, Norwalk, and Bridgeport. I represent the problems that we have in urban areas and the need to encourage people to register and vote.

I am troubled that this amendment requires a Social Security number to register to vote. I am troubled that the State would put more requirements on voter ID. States are allowed now to have voter IDs, but there are certain requirements that they be done uniformly.

I believe if citizens have not voted they should not be dropped from the rolls. I just happen to believe that. And this would allow States to drop voters who happen not to vote.

It would repeal the Maryland registration, which has done a wonderful job of registering not just Democrats, as everyone feared, but Republicans and Independents. In fact, more Independents have registered than Democrats or Republicans. I think this has increased involvement in the process, and I regret sincerely that in a vote on campaign finance reform we have this issue which is dealing with something very, very different.

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

Mr. LEVIN. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS. Mr. Chairman, I thank the gentleman from Michigan (Mr. LEVIN) for yielding me this time.

Mr. Chairman, I rise today in opposition to any measure that seeks so-called citizenship verification. At a time when voter turnout is lower than low, we must encourage rather than discourage citizens of this great Nation from voting.

Clearly, the history of discrimination against voters in this country should admonish this Congress that State and local governments may interpret Federal laws differently. Yet this amendment would allow States the privilege of requiring voters to provide proof of citizenship and a Social Security number when registering to vote.

I ask is this flawed process of verifying citizenship just another version of modern day Jim Crow? How many of our citizens are supposed to provide proof citizenship when neither the INS nor the Social Security agency kept naturalization records until 1978?

So I ask this Congress since when has a citizen's honor not been enough? When a person swears that they are indeed a citizen of the United States of America, they do so with the understanding that if they are incorrect they are perjuring themselves.

I say let us go forward, Mr. Chairman, and not backwards. Let us vote down this amendment and move America into the 21st century with democracy, equality and justice for all.

Mr. GOODLATTE. Mr. Chairman, for the purpose of closing the debate, it is my pleasure to yield the balance of my time to the gentleman from Texas (Mr. DELAY), the majority whip.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. DELAY) is recognized for 4 minutes.

Mr. DELAY. Mr. Chairman, I really appreciate the gentleman from Virginia bringing this because it is amazing to me only the supporters of Shays-Meehan can define what reform is. Anybody else that brings anything to this bill are not supporters of reform.

Well, I say that we just think reform is maybe a little bit different than the supporters of Shays-Meehan, and this is a perfect campaign reform bill.

Let us just get rid of all the red her-rings that have been put out in this debate. This is not national ID cards. This is not using Social Security numbers to vote. This is not even a poison pill. What this is talking about is that just like if you were getting a driver's license, you have to prove that you are a certain age. You have to bring a birth certificate. You have to prove that you know how to drive to get your driver's license.

For the most important act that Americans can do, the right to vote, you would think that it would be an honor to bring proof of citizenship to the table when you are registering to vote; not every time you vote. When you do go vote you pull out your driver's license or whatever to show that you are indeed the person that you say you are standing in front of the voting election judge and proving that you are that person.

What is wrong with that? It is very simple. Since enactment of the motor voter law, we have seen an increase in voting fraud across this country, and much of the increase is due to the provisions of the bill that prohibits States from removing registrants who fail to vote or who are unresponsive to voter registration correspondence.

Because of the lack of fraud provisions in the motor voter law, we have the modern world's sloppiest electoral system, according to political scientist Walter Dean Burnham. The year-long investigation of the Dornan-Sanchez House race established 624 documented cases of noncitizens voting, noncitizens voting, in American elections; another 124 voters cast improper absentee ballots; an additional 196 votes may well have been legal but only circumstantial evidence existed.

As of 1994, in Houston County, Alabama, a man who has been dead for 7 years has been recorded as voting regularly by absentee ballot. In Washington, D.C., an astonishing 1 of every 6 registered voters cannot be reached at their address of record. The city has lost 100,000 people since 1980, but registration has shot up to 86 percent of eligible voters from only 58 percent.

Felons, dead people, nonresidents and fictitious registrations clog the rolls in Washington, D.C., where anyone can walk up and vote without even showing an ID. The Miami Herald has found that 105 ballots in last year's undisputed mayoral election was cast by felons. Last month, a local grand jury concluded that absentee ballot fraud clearly played an important part in the recent City of Miami elections. This called into question the legitimacy of the results.

Nine dead San Franciscans in 1997 were recorded as casting votes from beyond the grave in the June 49ers Stadium election, according to an analysis of city voter files and death records.

Everyone supports the right to vote, but an equally important right is the guarantee of elections that are fair and free of fraud. Without the Goodlatte amendment, a growing number of States cannot guarantee the integrity of their results and that inevitably will lead to an increasing cynicism and disenchantment with the process. Let us help end voter fraud in America and adopt the Goodlatte amendment.

Mr. DELAY. Mr. Chairman, I rise in support of the amendment offered by my friend from Virginia, Mr. GOODLATTE. This amendment includes several anti-fraud provisions targeting both illegal registration and illegal voting.

Since enactment of the Motor Voter law, we have seen an increase in vote fraud across the country. Much of the increase is due to the provisions of the bill that prohibits States from removing registrants who fail to vote or who are unresponsive to voter registration correspondence.

Because of the lack of fraud provisions in the Motor Voter law, "We have the modern world's sloppiest electoral systems," according to political scientist Walter Dean Burnham.

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The Goodlatte amendment will help end voter fraud in America. I urge its adoption.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

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

Mr. LEVIN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

□ 2215

The CHAIRMAN pro tempore (Mr. BARR of Georgia). It is now in order to consider the amendment by the gentleman from Mississippi (Mr. WICKER).

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

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

Add at the end the following new title:

TITLE \_\_\_\_\_—PHOTO IDENTIFICATION REQUIREMENT FOR VOTERS

SEC. \_\_\_\_01. PERMITTING STATE TO REQUIRE VOTERS TO PRODUCE PHOTOGRAPHIC IDENTIFICATION.

Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

The CHAIRMAN. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Mississippi (Mr. WICKER) and a Member opposed each will control 20 minutes.

Mr. WICKER. Mr. Chairman, after consultation with the other side, I ask unanimous consent that all debate on this amendment be limited to 10 minutes, 5 minutes per side.

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

There was no objection.

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

Mr. Chairman, I appreciate the opponents of this amendment agreeing to a further limitation on time to speed the debate along. We have already debated, actually, a good bit of this amendment in the previous amendment.

What this amendment amounts to is simply a portion of the amendment offered by the gentleman from Virginia (Mr. GOODLATTE). It is that portion permitting States to require voter I.D. This amendment does not deal with citizenship requirements, it does not deal at all with registration, it simply says that States have a right to determine when someone comes to vote that they are who they say they are and that they may do so by the means of photo I.D.

Mr. Chairman, this is not a mandate on States, which some of my colleagues are very fearful of, but simply permission. It is the essence of Federalism. One of my colleagues from the minority side of the aisle mentioned the



issue of States rights. I was delighted to hear her say that just a few moments ago. This is Federalism. This permits States, if they choose to, to require photo I.D.

We have heard a lot of talk during the course of this debate over time about corruption of our political process. I am one, Mr. Chairman, who feels that there is corruption in our political process, but it is not caused by too many commercials being run on TV, it is not caused by too much money being available to buy too many advertisements. The corruption is in voter fraud.

In far too many States and districts there are ineligible people voting. There are people going to the polls saying they are someone and, indeed, it turns out that they are not eligible to vote. Now, none other than the distinguished Professor Larry Sabato, from the University of Virginia, concurs in this feeling. Professor Sabato believes that the enactment of the Federal Motor Voter Law of 1993 will cause an increase in voter fraud. This amendment amends only a small portion of the Motor Voter Law. And, as I said, it takes that portion of the Goodlatte amendment and allows States the right.

We have heard the information provided by the gentleman from Louisiana (Mr. TAUZIN) tonight about the Louisiana election, and the Louisiana legislature in response to the allegations there. They may have thought, we do not know exactly what the facts are, we do not know who was right and who was wrong, but we do want to prevent this in the future. And what was the solution of the Louisiana legislature? It was to permit voter photo I.D. In Florida, the State legislature was so horrified at the 1997 mayoral election that the legislature there enacted photo I.D. The State of Hawaii already has such a requirement on the books.

We are simply saying that other States should feel clear and unrestricted in also pursuing that course and should not feel that the 1993 Motor Voter Law prevents them from doing so. In the United States of America we require a photo I.D. for millions of people to do any number of acts: To cash a check, to board an airplane, or to buy a beer. Why can States not require a photo identification for participating in Federal elections, one of the most solemn acts of citizenship?

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

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

This amendment, like the previous amendment, has nothing to do with campaign finance reform. States already are able to require identification at the polls. They simply cannot discriminate in the way that they apply the information that is required. Under Federal law presently States can require identification at the polls, but with a very important caveat: So long as such a requirement is applied in a

way that is uniform and does not discriminate in compliance with the Voting Rights Act.

I would remind the gentleman from Mississippi that this country has a history and a record of discriminating against the rights of people to vote. That is why the Voting Rights Act was adopted in this country. This amendment would overturn and eliminate the protections that are in the Voting Rights Act against discrimination. It has nothing to do with campaign finance reform and would overturn very important protections against discrimination in this country. That is why this amendment is unnecessary.

Once again we have a sponsor of an amendment that does not support campaign finance reform putting up another obstacle towards passing this bill. And as we approach the hour of 10:30, there are still more efforts to water down and try to find a way to put up an impediment to passing campaign finance reform.

Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. WATT), a member of the Committee on the Judiciary.

The CHAIRMAN pro tempore. The gentleman from North Carolina (Mr. WATT) is recognized for 3 minutes.

Mr. WATT of North Carolina. Mr. Chairman, they say those are fighting words down there where I come from, when you say somebody is from South Carolina.

(Mr. WATT of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding me this time.

We were rocking along here, I thought, talking about campaign finance reform, and all of a sudden we took off in a whole different direction. We are talking about reform, yes, maybe, but what voter I.D.s have to do with campaign finance, what registration requirements have to do with campaign finance, I am having a little trouble connecting up.

If we are going to talk about these kinds of issues, let us remind ourselves what democracy is all about. It is about allowing people and encouraging people to vote, not putting impediments in the way, not discriminating against citizens, not singling some people out and saying we do not like the way they look so we are going to deprive them of the right to vote by making them produce some kind of arbitrary identification or Social Security number or something.

A couple of years ago the South African folks finally had a democratic election. Do my colleagues think South Africa ever required anybody to register to vote? No. I always wonder, why is it necessary to even have a registration? If we allowed this identification process, and we did it in tandem with abolishing registration, then maybe it would be a good thing. Because people could show up, if they were citizens of

the United States, and say I am a citizen, I have not registered, that is arbitrary, let me vote. That would further democracy.

But when we start putting impediments in the way of registration and then putting more impediments in the way of voting after one has registered, then we have to wonder, is this about reform, does it have anything to do with finance, is it even about democracy? And that is what we have got to keep our eye on; to encourage people to participate in our democracy, not put our country behind any other country in the world. When people talk about democracy, they ought to instinctively think about the United States of America. We should not allow them to instinctively think about a new democracy which has had only one election.

Mr. Chairman, we should defeat this amendment and pass the Shays-Meehan bill.

Mr. WICKER. Mr. Chairman, I yield myself the balance of my time, and in that 1 minute I have to close let me point out a couple of things.

My friends on the other side of the aisle say we are talking about campaign finance reform, not voter fraud. I have the title of this bill right here, Mr. Chairman. It is H.R. 2183, the Bipartisan Campaign Integrity Act. The Campaign Integrity Act. I submit to my colleagues that if anything threatens the integrity of our elections in the United States of America, it is campaign fraud.

All this amendment does is, I will quote, "Permitting States to require voters to produce photo identification." And I quote, "A State may require an individual to produce a valid photographic identification before receiving a ballot for voting in an election for Federal office."

Mr. Chairman, this goes to the precious commodity of democracy in the franchise in this Nation. It is a very simple amendment and I move its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. WICKER) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

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

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Mississippi (Mr. WICKER) will be postponed.

It is now in order to consider the amendment offered by the gentleman from Kansas (Mr. SNOWBARGER).

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

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.



The text of the amendment is as follows:

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

**TITLE—ENHANCING ENFORCEMENT OF CAMPAIGN LAW**

**SEC. .01. ENHANCING ENFORCEMENT OF CAMPAIGN FINANCE LAW.**

(a) **MANDATORY IMPRISONMENT FOR CRIMINAL CONDUCT.**—Section 309(d)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is amended—

(1) in the first sentence, by striking “shall be fined, or imprisoned for not more than one year, or both” and inserting “shall be imprisoned for not fewer than 1 year and not more than 10 years”; and

(2) by striking the second sentence.

(b) **CONCURRENT AUTHORITY OF ATTORNEY GENERAL TO BRING CRIMINAL ACTIONS.**—Section 309(d) of such Act (2 U.S.C. 437g(d)) is amended by adding at the end the following new paragraph:

“(4) In addition to the authority to bring cases referred pursuant to subsection (a)(5), the Attorney General may at any time bring a criminal action for a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to actions brought with respect to elections occurring after January 1999.

The CHAIRMAN. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Kansas (Mr. SNOWBARGER) and the gentleman from Connecticut (Mr. SHAYS) each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. SNOWBARGER).

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

I rise tonight to offer an amendment to the Shays-Meehan substitute to address a serious problem with our Nation's campaign finance system.

This problem really hit home to me as we were investigating various things in the Committee on Government Reform and Oversight this year. Among the thousands and thousands of documents that were presented to us from the White House was a memo from the Clinton-Gore campaign which indicated in the memo that about \$1 million was set aside in the campaign budget to pay fines.

□ 2230

In the margin of that document was the word “ugh” written in the President's handwriting.

It seemed to me at that point in time that one of the problems that we have with our current campaign finance system is the enforcement of that system. If it is merely a matter of making sure that they have enough money in their budget to cover the fines, then obviously the fines are not much of a deterrent to behavior that is possibly illegal.

Far too often Federal regulations have unintended consequences, and our campaign finance system is just one acute example of that. It is complicated. It is difficult to navigate. And in fact, the average first-time can-

didates have to consult both a lawyer and an accountant before mounting a serious campaign, and this is a serious problem I would like to see changed.

However, I think the biggest problem is that the system is not accountable and we need to make it more transparent and violations of existing law severely punished. My amendment tonight accomplishes one of these important goals by increasing the punishment options available to judges.

The current penalty regime for willful and knowing violations of the Federal Election Campaign Act of 1971 provides for up to 1 year of imprisonment for these types of willful violations. My amendment would simply increase the penalty discretion available to judges to no more than 10 years and no fewer than 1 year. Hopefully, this will allow the judge to take all factors into account. And more importantly, Mr. Chairman, my amendment will force candidates that want to play fast and loose with the rules to think long and hard before they decide to engage in what I would term playing fast and loose.

One other provision of my amendment would allow the Justice Department the option of taking direct jurisdiction and not waiting for a referral from the Federal Election Commission before starting an investigation and a prosecution.

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

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

Mr. Chairman, I oppose this amendment, and I would like to explain why. First, under the present law the fine is \$10,000 or 200 percent of the fraudulent contribution; and we increase that to \$20,000 or 300 percent in our legislation.

But if I am reading this legislation properly, I think the gentleman from Kansas (Mr. SNOWBARGER) has a mandatory sentence of not less than a year, not fewer than 1 year, and not more than 10. And if the gentleman were willing to eliminate the mandatory sentence and reduce it to 5 years, I think we could find an accommodation. But it is a concern that there would be a mandatory minimum.

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

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

Just in brief response, Mr. Chairman, the requirement of a minimum amount of time is, in essence, what the bill is all about. What we are suggesting is that if somebody willfully violates the campaign finance laws, that there ought to be a criminal penalty for this and not just fines.

As I indicated earlier, one of the reasons that fines do not seem to work is that all they need to do is create a larger budget and raise enough money to pay those fines and that is not much of a deterrent to complying with whatever campaign finance law we have in place.

I can appreciate the offer of the gentleman from Connecticut (Mr. SHAYS) and thank him for it, but I think it is the essence. Perhaps the upper limit could be reduced to a lesser amount. But I think the key to this bill is the minimum of one year and to stick with that.

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

The CHAIRMAN (Mr. BARR of Georgia). The Chair will inform that the gentleman from Kansas (Mr. SNOWBARGER) has 1½ minutes remaining and has the right to close, and the gentleman from Connecticut (Mr. SHAYS) has 4 minutes remaining.

Mr. SHAYS. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. CAMPBELL) to flesh out a little bit more what the amendment does.

Mr. CAMPBELL. Mr. Chairman, I might be able to support it. I just wanted to ask a couple questions.

As the gentleman knows, we passed the amendment of the gentleman from Michigan (Mr. SMITH) earlier tonight. It is my understanding that his amendment brought the penalty for knowing violations of the foreign contributor provision up to 10 years. And what the Snowbarger amendment does is to amend the more generic part of the campaign finance bill so that all provisions will have an enhanced penalty.

The distinction, though, between the Smith and the Snowbarger amendments, Mr. Chairman, as I see it is that, whereas the gentleman from Michigan (Mr. SMITH) might have allowed a judge to say, well, this is something that perhaps should get less than 1 year, the gentleman mandates that it must be at least 1 year. And if I am correct about that, I would just like to know that.

And secondly, whereas the gentleman from Michigan (Mr. SMITH) did not speak about the question about giving the Attorney General the prosecutorial discretion, the Snowbarger amendment does, and that the Attorney General may proceed if the FEC is deadlocked, whereas otherwise under the Smith amendment it would require a referral by FEC to the Department of Justice.

If I am correct or incorrect in those two major distinctions between the Smith amendment and the Snowbarger amendment, I would appreciate hearing so.

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

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

Mr. SNOWBARGER. Mr. Chairman, the gentleman is accurate that there is within the discretion of the Department of Justice the ability to take on one of these campaign finance cases without a referral, as the gentleman indicated with the deadlock.

The gentleman is also correct that there is a minimum amount of time that is required. As I indicated to the gentleman from Connecticut (Mr. SHAYS) earlier, if there is a problem with the maximum time period that is

allowed in there, I do not mind working with that.

But I think it is important that we have a minimum time period. I think that candidates that are faced with the possibility of jail time are going to be much more cautious.

Mr. CAMPBELL. Mr. Chairman, I believe that the gentleman had already answered the question, but I will just put it in this final form.

I think the gentleman from Michigan (Mr. SMITH) did us a service. I supported his amendment. But it was an important part of my support and perhaps that of others that the trial judge did have discretion to take into account the sentencing guidelines.

I am a bit troubled that the judge's discretion is taken away at least insofar as it must be 1 year. Nobody has any sympathy for an intentional violator of the law. I know that is true of all of us. But I am concerned about taking away the trial judge's discretion where in her or his discretion the appropriate sentence ought to be time in jail but not a full year.

And I would yield the remainder of the time that was yielded to me to the author of the amendment to explain, if he could, why he does not urge upon us in the House tonight to give the trial judge discretion under the sentencing guidelines for that occasional case when it might be just to do so, to have the full panoply of discretion, as we agreed was the case with the gentleman from Michigan (Mr. SMITH).

The CHAIRMAN. The gentleman from Connecticut (Mr. SHAYS) has 1 minute remaining.

Mr. SHAYS. Mr. Chairman, I understand the gentleman from Kansas (Mr. SNOWBARGER) wants to close and he has 1 minute remaining as well; is that correct?

The CHAIRMAN. The gentleman from Kansas (Mr. SNOWBARGER) has 1½ minutes remaining and has the right to close.

Mr. SHAYS. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CAMPBELL).

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

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

Mr. SNOWBARGER. Mr. Chairman, we currently have discretion of the judge to grant between zero jail time and 1 year.

I think that the fact that there is a possibility of no jail time still would weaken any campaign finance law that we have to pass. I think it is important that there be a mandatory jail time provided.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, because the gentleman was going to conclude to say that it probably would be better if we left the discretion of the judge to go from zero to 10, I am not sure it is enough to defeat his amendment but he might want to consider that. I appreciate his answers.

Mr. SHAYS. Mr. Chairman, I yield myself the 30 seconds remaining.

I know what the gentleman is trying to achieve. I think he does achieve it with the sentence potential of zero to 5 years and increased fines. I am just troubled that it would be a mandatory sentence, and would at this time oppose his amendment and vote against it. Obviously, we would love to find an accommodation, but I guess that is not possible.

Mr. CHAIRMAN. The time of the gentleman from Connecticut (Mr. SHAYS) has expired.

The gentleman from Kansas (Mr. SNOWBARGER) is recognized for 1½ minutes.

Mr. SNOWBARGER. Mr. Chairman, again I just want to reiterate, what we are trying to do here is to make sure that there are sufficient penalties in the law to deter people from committing campaign finance law violations.

Thus far, we have put a system of fines in place. Sometimes those are large fines, other times lesser fines that are meted out. But the fact of the matter is the fine system has not stopped the violations of current campaign finance law. There is no reason to believe that fines alone would deter future adherence to the law, whatever that law might change to.

It is exactly for that reason that I think it is important that people understand there are serious consequences, there is jail time that is going to be required, there is serious jail time that is going to be required. And I would ask that my colleagues seriously consider this amendment, which I feel would put tough penalties into whatever version of campaign finance we end up with and, very frankly, would encourage us to pursue this under current law as well.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Kansas (Mr. SNOWBARGER) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. It is now in order to consider the amendment offered by the gentleman from Kentucky (Mr. WHITFIELD).

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

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

Add at the end the following new title:

TITLE —BAN ON COORDINATED SOFT MONEY ACTIVITIES BY PRESIDENTIAL CANDIDATES

SEC. 01. BAN ON COORDINATION OF SOFT MONEY FOR ISSUE ADVOCACY BY PRESIDENTIAL CANDIDATES RECEIVING PUBLIC FINANCING.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

“(f) BAN ON COORDINATION OF SOFT MONEY FOR ISSUE ADVOCACY.—

“(1) IN GENERAL.—No candidate for election to the office of President or Vice President who is certified to receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 may coordinate the expenditure of any funds for issue advocacy with any political party unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971.

“(2) ISSUE ADVOCACY DEFINED.—In this section, the term ‘issue advocacy’ means any activity carried out for the purpose of influencing the consideration or outcome of any Federal legislation or the issuance or outcome of any Federal regulations, or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations (without regard to whether the activity is carried out for the purpose of influencing any election for Federal office).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the order of the House of July 17, 1998, the gentleman from Kentucky (Mr. WHITFIELD) and a Member opposed each will control 5 minutes.

Which Member will oppose the amendment and be recognized for 5 minutes?

Mr. MEEHAN. Mr. Chairman, I do not have any objection to this amendment. I just wish the sponsor of the amendment will vote for our bill once we accept the amendment so we can get it passed and really have it become law. I do not know if he would change his mind on that.

The CHAIRMAN. Does the gentleman from Massachusetts (Mr. MEEHAN) claim the time in opposition to the amendment?

Mr. MEEHAN. Mr. Chairman, I cannot because I support the amendment.

Mr. SHAYS. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts (Mr. MEEHAN) be allowed to claim the time.

The CHAIRMAN. Without objection, the gentleman from Massachusetts (Mr. MEEHAN) claims time.

There was no objection.

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

Mr. Chairman, I appreciate the gentleman for agreeing to accept the amendment. And if that is the case, I would be happy to have it accepted and sit down and listen to someone else talk about their amendment.

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

I just want to say that I am delighted to accept this amendment and I hope

that the acceptance of this amendment results in us growing in even broader and more bipartisan basis support amongst my colleagues so that we can pass the Shays-Meehan bill.

I think all of us have seen over a period of the last several months support for our bill growing enormously, and I hope that accepting this amendment results in the gentleman supporting our bill and getting many of his colleagues to support the bill.

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

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

Mr. Chairman, I would just make one brief comment. I appreciate the acceptance of this amendment.

My real purpose in introducing this amendment, offering this amendment, was to be sure that in the presidential elections the candidates for President are the only Federal candidates that receive public funds; and initially, when they agree to accept these public funds, they also agree that they will not go out and raise additional money.

In recent presidential elections, that rule has really been violated by both sides. And during the hearings on the campaign finance abuses on the Senate side, Senator THOMPSON of Tennessee, who chaired that committee, pointed out very clearly that in the 1996 campaigns that it was not unusual that the President sat down and coordinated these ads, in fact, added the ads, in fact, decided where the ads of issue advocacy would be placed.

And while the Shays-Meehan bill talks a lot about abolishment of coordination, abolishment of soft money, the fact that the presidential campaigns are included under the Internal Revenue Code, I just want to be very certain that the presidential campaigns were included in this legislation. And that was my purpose in introducing the amendment. I appreciate very much his acceptance of it.

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

□ 2245

The CHAIRMAN pro tempore (Mr. BARR of Georgia). The question is on the amendment offered by the gentleman from Kentucky (Mr. WHITFIELD) to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS.

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider the amendment offered by the gentleman from California (Mr. CALVERT).

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

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

Add at the end the following new title:

TITLE —RESTRICTIONS ON NONRESIDENT FUNDRAISING

**SEC. —01. LIMITING AMOUNT OF CONGRESSIONAL CANDIDATE CONTRIBUTIONS FROM INDIVIDUALS NOT RESIDING IN DISTRICT OR STATE INVOLVED.**

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

“(1) (i) A candidate for the office of Senator or the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to an election from persons other than local individual residents totaling in excess of the aggregate amount of contributions accepted from local individual residents (as determined on the basis of the information reported under section 304(d)).

“(2) In determining the amount of contributions accepted by a candidate for purposes of this subsection, the amounts of any contributions made by a political committee of a political party shall be allocated as follows:

“(A) 50 percent of such amounts shall be deemed to be a contributions from local individual residents.

“(B) 50 percent of such amounts shall be deemed to be contributions from persons other than local individual residents.

“(3) As used in this subsection, the term ‘local individual resident’ means—

“(A) with respect to an election for the office of Senator, an individual who resides in the State involved; and

“(B) with respect to an election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, an individual who resides in the congressional district involved.”.

(b) REPORTING REQUIREMENTS.—Section 304 of such Act (2 U.S.C. 434) is amended by adding at the end the following new subsection:

“(d) Each principal campaign committee of a candidate for the Senate or the House of Representatives shall include the following information in the first report filed under subsection (a)(2) which covers the period which begins 19 days before an election and ends 20 days after the election:

“(1) The total contributions received by the committee with respect to the election involved from local individual residents (as defined in section 315(i)(3)), as of the last day of the period covered by the report.

“(2) The total contributions received by the committee with respect to the election involved from all persons, as of the last day of the period covered by the report.”.

(c) PENALTY FOR VIOLATION OF LIMITS.—Section 309(d) of such Act (2 U.S.C. 437g(d)) is amended by adding at the end the following new paragraph:

“(4)(A) Any candidate who knowingly and willfully accepts contributions in excess of any limitation provided under section 315(i) shall be fined an amount equal to the greater of 200 percent of the amount accepted in excess of the applicable limitation or (if applicable) the amount provided in paragraph (1)(A).

“(B) Interest shall be assessed against any portion of a fine imposed under subparagraph (A) which remains unpaid after the expiration of the 30-day period which begins on the date the fine is imposed.”.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from California (Mr. CALVERT) and the gen-

tleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Mr. Chairman, in the 103d Congress I served on the House Republican Campaign Finance Task Force. As a member of that task force, I pressed for language to require that candidates receive half of the campaign funds from people they are seeking to represent. My amendment today would require candidates to adhere to this 50 percent rule.

The public's perception is that elected officials are beholden to the special interests that they believe finance the campaigns. As long as the public has this perception, it is important that every person running for public office restores confidence in our system. By requiring all candidates for office in the House of Representatives and the Senate to raise at least half of their campaign funds from individuals in the districts they represent, my amendment goes a long way toward restoring the people's trust.

The amendment is simple and straightforward. On the first report to the Federal Election Commission after an election, candidates would have to show that they raised a majority of funds for that election from individuals within their own district for House candidates or within the State for senatorial candidates. Money from political parties will be considered 50 percent in-district money and 50 percent out-of-district money. If it is determined that they have not met this requirement, they will be subject to a fine by the FEC of two times the amount of the margin between in-district contributions and the contributions from outside the district. Candidates will have 30 days from that determination to pay the penalty interest-free. If the deadline passes without payment, interest will begin to be assessed.

As Members of Congress, we owe it to our constituents to provide them with the security of knowing they are electing people to Congress to represent them, not special or remote interests.

Mr. Chairman, I urge the passage of this amendment.

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

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

Mr. Chairman, I rise in opposition to this amendment, not because I do not think it is offered in good faith but because I disagree with the general thrust of limiting campaign contributions to a district. I believe the gentleman will face some constitutional hurdles given that it is within district, not within State. The gentleman, in other words, seeks to have 50 percent of all the contributions come within the district. I believe the courts would determine that within district would be a constitutional problem but within a State it would probably not be.

But, further, I seek to share and acknowledge the fact that we ourselves had attempted to do something similar to this in a larger Meehan-Shays proposal and realized that we simply could not build a coalition of support to pass this legislation. It may seem frustrating for some to argue against an amendment based on the fact that we then cannot pass the overall bill, but that is the reality. The fact is that if this amendment were to pass, it would be a very dangerous amendment for the purposes of putting a real dagger in a compromise that is in fact Meehan-Shays.

I also would say to Members that I speak as one on this issue who raises literally 99 percent of my money within district. I am amazed that that is the case, but in fact it is the case. If I were to acknowledge why, it would be that I come from a very wealthy district, if not the wealthiest district in the country, within the top five. If it is not considered the wealthiest, it is that I have the very wealthy but I also have a number of poor who live in Stamford, Norwalk and Bridgeport, my three urban areas. So it is without reluctance that I do oppose this amendment.

I would just acknowledge that for some in Congress, they can raise all the amount of money they need to within their district. I could probably raise all the money I need to if everyone on Round Hill Road in Greenwich contributed to my campaign. That four-mile stretch of road contains a tremendous number of wealthy people. I do not even have to go outside a community. I can focus within a particular town. But there are some Members who live in very, very poor districts. They would be highly vulnerable to a wealthy candidate who has wealth in that district and knows that that opponent not only does not have wealth but has nowhere within that district to raise the kind of sums necessary to compete with that wealthy individual.

I do not criticize the intention of my colleague. I know that they are done in good faith. In fact, the gentleman from Massachusetts (Mr. MEEHAN) and I and others attempted to do the same thing. But then the more we analyzed it, we realized that it was clearly unfair to some Members and to some challengers, not just Members, and furthermore that we would not be able to build the kind of coalition we need to pass meaningful campaign finance reform.

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

Mr. CALVERT. Mr. Chairman, I yield myself such time as I may consume. I would say to the gentleman from Connecticut, as he knows, I have been in favor of this concept since I first came to Congress almost 6 years ago. I am happy to hear that he raises 99 percent of his campaign contributions within his congressional district. I would dare say that there are some folks here that raise 99 percent of their campaign con-

tributions outside of their congressional district. And so at what level is a fair and reasonable amount to raise within your own congressional district?

I would think that most Americans, and I have seen polling documents as all of us have, that most Americans believe that you should raise at least half of your campaign contributions within your congressional district. The argument that folks in poorer districts would not be able to raise funds, all I would say is that all people who would run in that seat are playing under the same limitations, so that the playing field is leveled.

I think it is important that people back home realize that the people who are elected to Congress at least represent them, if money is important and the reason we are here tonight on campaign finance reform is that we are going back and building the base within our own congressional districts and raising money back home. I think in years past, that was the case. We have gotten away from that. I think that this amendment will go a long ways to bringing back confidence within the system. I would urge my colleagues to support this amendment.

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

Mr. SHAYS. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SHAYS) for yielding me this time and I thank him for cosponsoring this legislation, the underlying legislation on campaign finance reform.

Mr. Chairman, I have great respect for the gentleman from California (Mr. CALVERT). He and I are cochair of the State society for California. Like him in the bill that I authored, H.R. 600, a comprehensive campaign reform, I really looked at this, because this is one of those issues where it really sounds good. But let me tell the gentleman from California why it is rejected. It is rejected because as he knows under Federal law, you do not have to live in the district to file for candidacy. What happens is that you can take a district that is a poor district under his law, say that 50 percent of the money has to be raised there, and you can shop around. So in a district in the inner city of Los Angeles or in the inner city of any large area where you do not have a large economic base, you look at the candidate who files and you say, well, that candidate is going to have to raise money to get elected. I am going to be a candidate who is going to use my own money. I am rich. I am going to go down there and file for the candidacy in that election. I want it. I can buy that election, because I do not have to raise a dime of money inside the district because I am not going to ask anybody for contributions.

There is the inequity, is that you set up a system which is designed to hurt

minorities, because those are the people that often get elected from these inner city districts, and for people that are trying to get started in politics. I cannot think of any of us in this room that did not begin when we decided to get into public life, whether it was at the mayor's level or at city council or school board or county commissioner or even running for county sheriff by which this rule would not apply. You could raise money outside your district for any of those local offices.

But when you began this venture of getting into politics and noted that the average congressional campaign in America cost \$600,000, that is a lot of money, and you began to say, "Where am I going to get that money?" You say, "Well, let's go to my family, let's go to my friends that I went to school with, to high school and college with, maybe that I was in the service with." The gentleman from Connecticut (Mr. SHAYS) and I have mentioned before, we were both in the Peace Corps.

So people like that went out, and that is where you began your nest egg of how you are going to run for office. And you are soliciting money from people who know you best, who have actually worked with you, they know you better than anyone because you are just saying, "Based on what you know of me, please help me." Those moneys may not be coming from your district.

I think that this amendment where it sounds good is really kind of a poison pill. I think it is frankly, and I hate to say it this way, but I think it is really un-American. Because it does not apply to people in local office, it does not apply to people in State office, and essentially are we not trying in America to say that we want you to participate in government, we would love to have people running for office, and that we ought to be removing barriers, not creating more?

I think that is why I am so concerned about some of these amendments. I am concerned about the message that we are giving in this great land of America about what we think democracy is. We are selling it short. We are cheapening it. We are distrusting it. We are saying we do not believe the voters. If you make one false move, you do not have an ID, you do not have a picture, you are elderly, you are locked up in a nursing home, you do not have a driver's license, you do not have any proof of citizenship because maybe you are in States, many States did not file birth certificates earlier than about 1910. So if you were born before that, you would not have any proof of citizenship.

So what we are doing is we are making it more and more difficult, and I think requiring, as I said, it sounds good, 50 percent, but if you are in a district where you do not have a lot of wealth and you as a candidate do not have any wealth or you are new to the business, you are not going to be able to raise funds, and you cannot run for office under this amendment.

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

would say to the gentleman that how much should the threshold be? If it is not 50 percent, should it be 40 percent? Should it be 30 percent? Should it be 20 percent? There are people who are elected to Congress who raise 95 percent of their money outside of their congressional districts. Is that what American people out there expect from their candidates? I do not think so.

I would point out to the gentleman that there are people who run for public office who are not from an area. The gentleman is correct. You do not have to have residency requirements as a requirement to run for congressional office, many of whom move into a congressional district and raise 95 percent of their money from outside of the district and a local candidate is not given the opportunity to get elected within the congressional district in which they reside, because they do not have the resources.

But I would say if there is a problem with a self-funded rich candidate running for such a seat, and I would say that that is a problem for any of our seats if someone of such wealth decides to run, in that case the party can add funds to the race. I would also accept a perfecting amendment that would waive this rule at a certain threshold of funds, say \$100,000 is thrown in by a wealthy candidate.

But I would say that whatever district that a Member of Congress represents, he or she represents, if a wealthy candidate decides to run, you are in trouble under existing campaign law and will continue to be in trouble in the future.

□ 2300

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. CALVERT. I am happy to yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, in the H.R. 600 that I drafted, what it said is we put limits on what you could spend, because that was the real problem. In that, we said, if you were a wealthy candidate, you can only spend \$50,000 of your own money.

Mr. CALVERT. Reclaiming my time, I understand, under the Constitution that the other gentleman pointed out, that we cannot restrict an individual from spending his or her own money. However, that is one of the reasons why I would accept a perfecting amendment that would waive the rule at a certain threshold and allow for dollars to be raised outside of a district if, in fact, that occurs.

But getting back to the point that I am trying to get at, that people within congressional districts expect their Members to represent their interests within their district. I would say that Members of Congress who raise 95 percent, 90 percent, 80 percent of their dollars outside of the congressional districts that they represent do not represent the districts as well as someone who raises at least 50 percent of their monies from their district.

I would hope that we would pass this amendment. I think the American public would be for it.

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

Mr. CALVERT. I am happy to yield to the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Chairman, if we pass this amendment, is the gentleman going to support the Shays-Meehan bill?

Mr. CALVERT. I may. I may support the amendment. I do not know what the final bill is going to be after all the amendments are over with.

Mr. MEEHAN. Who does at this point? I am happy to hear that the gentleman has an open mind. Part of the problem is, if we pass the gentleman's amendment, the bill is going to die.

What we are trying to do is send a bill over to the other body that has a bipartisan consensus for both sides of the aisle. That is what we are attempting to do. Going through that process, we were unable to do that with this particular amendment.

I happen to take more than 50 percent of money from people from my district, and over 90 percent of my money is from my home State. But what we are trying to do here is pass a comprehensive, fair campaign finance reform bill. The only way to get that done is to work with Members on both sides of the aisle. This particular amendment will defeat our bill.

Mr. CALVERT. Reclaiming my time, I think that it is important to raise a significant amount of money within our congressional district. I would hope that most Members feel the same way about that. I would hope that that they would vote for this amendment.

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

Mr. SHAYS. Mr. Chairman, I yield 4 minutes to the gentleman from Maine (Mr. ALLEN), the freshman leader on campaign finance reform and, frankly, just a leader, be he freshman or seasoned veteran.

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding and for his continuing leadership on campaign reform.

I have been the democratic chair of a bipartisan freshman effort on campaign reform for the last year and a half. I point that out because the only way to do campaign reform is on a bipartisan basis.

This amendment, however well-intentioned, is a poison pill. This amendment, if added to the Shays-Meehan bill, will kill campaign reform, will kill the Shays-Meehan bill. That is one reason why it needs to be defeated.

I will talk in a moment about some of my problems with the merits; but just for a moment, let us begin with just how different different districts are around this country.

I think it is fair to say that, if you look at the Senate races around the country, some cost more, and some cost less. For example, it may cost tens of millions of dollars to run a Senate

campaign in California. But in my home State of Maine, it may be a \$1 million or \$2 million proposition. But the basic campaigns are more or less the same: A certain amount of television, a certain amount of get out the vote drive. They look more or less alike, even though they are on the same scale.

The same is not true in the House of Representatives. In the House of Representatives, there are some districts where television is a factor. There are some districts in the House where television is not a factor because you cannot raise the money to run ads in New York or Chicago or Los Angeles in most cases.

The districts across this House are very, very different. Some, like the district of the gentleman from Connecticut (Mr. SHAYS), are wealthy. Some others are very poor. It is not true, in my opinion, as the gentleman from California (Mr. CALVERT) said that everyone is subject to the same limits, and everyone is subject to the same effects if you have this kind of limit.

What this amendment would do is to magnify the effect of wealth, because in a very poor district, the man with deep pockets or the woman with deep pockets has a much greater advantage than he or she would in another district where it is possible to raise money.

That is why I believe that this amendment is bad policy because it magnifies the effect of personal wealth where what we are trying to do is contain that, trying to get control of the amount of money in politics. We are trying to strengthen the voices of the ordinary citizen. That is what campaign reform is all about. This amendment moves in a different direction.

The fact is, as I said before, we simply cannot pass campaign reform with this kind of amendment tacked on. There are many Members of the minority caucus. There are many Members who come from very poor districts who cannot support the campaign reform bill with this proposal.

One of the things our freshman task force did at the beginning of our process, we said what are the poison pills? Let us identify them. This kind of in-district limit was clearly identified right at the beginning as a poison pill. It will not work. It will kill campaign reform for this session. We cannot let that happen.

Therefore, I urge all Members to vote against the Calvert amendment and make sure that we support the Shays-Meehan bill.

Mr. CALVERT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Chairman, I have listened with interest to this debate. The gentleman is objecting to 50 percent of the money being raised by all candidates in the district. I guess I would ask the question: "How about 10 percent?" Would the gentleman settle for that? That all candidates at least raise

10 percent of their campaign money in the district? I would just like to ask the gentleman.

Mr. ALLEN. Mr. Chairman, will the gentleman yield to me?

Mr. HORN. For the answer to the question, I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Chairman, I think the proper number, if we could determine one, is different for different districts. I was talking about how varied the districts may be. In some districts, it is now the practice for very large amounts, maybe 70, maybe 80, maybe more percent that money may come from out of district. In some districts, that may be the only way to fund a congressional campaign.

So what is right for that district is not what is right for the district of the gentleman from Connecticut (Mr. SHAYS) or my district or the gentleman from California's district.

When we sit here with a great variety of districts around the country and try to come up with one number, I think we are on a chase that is not going to lead us in a healthy direction. It is not going to get us to pass a campaign reform bill. I think it is a mistake.

Mr. HORN. I have had a situation where my opponent raised only 1 percent of his campaign funds in the district when I had raised 70 to 80 percent.

I have to say: "Where is the connection with the electorate? Do the candidates who raise 1% in the district just go to all the eastern cities? They go into the gentleman's territory and get the funds together \$1,000 at a crack. I have seen candidates that go up and down the east coast, just as the easterners come out to Hollywood in the celebrity area, and they secure funds at \$1,000 at a crack.

It just seems to me there is a relationship in a democracy between, not only the voters in one's district and the sources who have provided the candidate with his real money? So I am willing to settle for 10 percent being raise in the district. I would prefer 50% or 100%. Ten percent would be a start.

Mr. ALLEN. Mr. Chairman, will the gentleman yield just briefly?

Mr. HORN. Absolutely. I yield to the gentleman from Maine.

Mr. ALLEN. I absolutely agree with the gentleman that there has got to be a connection between the candidate and the district. That is very, very important.

Mr. HORN. We have too many candidates who are under obligation to PACs and to everybody else, none of which have anything to do with some of the districts, certainly mine.

Mr. ALLEN. If the gentleman will yield just briefly, often, PAC money comes from organizations that are based in the district.

Mr. HORN. Usually, they take the PAC money from everywhere, but they cannot get it in terms of the District. I would just say, let us talk about 10 percent. I am willing to start low.

I would just like to see some connection between the candidate and who he

or she represents. If they are only going to represent the people in the east that give them \$1,000 checks, I do not think they are going to represent a district in the west that provides the votes.

I do not care if it is a quarter or a dollar, the checks I am moved by the most are when I receive \$10 from a person who is living on \$500 a month from Social Security. I know that \$10 hurts that donor. So it just seems to me that candidates should receive money from their district at least to some degree.

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. HORN. I yield to the gentleman from California for a question.

Mr. FARR of California. What do you do with the individual who is very wealthy and you are in a very poor district?

Mr. HORN. Do you know what I would do with the individual who is very wealthy? I would pass a law that could limit that amount of personal wealth to be spent in a campaign. I think it is a scandal what is going on in America. You are going to have plutocracy take over this chamber.

Mr. FARR of California. Maybe you can make that a perfecting amendment?

Mr. HORN. I will support that kind of an amendment.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the distinguished professor from Stanford, the gentleman from California (Mr. CAMPBELL).

□ 2310

Mr. CAMPBELL. Mr. Chairman, I thank my good friend for yielding me time and for referring to me by the best honorific I have ever had, which is professor.

I am in a bit of a bind, Mr. Chairman, because I have "can't vote-can't contribute" as one of the substitutes. I love this so much, I would make it 100 percent. And this dilemma yields to a solution to my good friend, my brother, the gentleman from California (Mr. CALVERT). This will kill Shays-Meehan. That is a fact. You know it, I think. So, vote for mine, because I will not bring mine up if Shays-Meehan passes. If Shays-Meehan passes, I do not bring up the Campbell substitute. But if Shays-Meehan goes down in flames, then, boy, am I on the side of the gentleman from California. Then we can vote "can't vote-can't contribute."

What my proposal does is to say, "Boy, is he right." You ought to get all of your money from your district, from people whom you represent, except you have to make an exception for the constitutional requirement that people can express themselves under the First Amendment, so I have \$100 as an exception.

But by putting it on to Shays-Meehan the gentleman from California, surely without this intent, but I nevertheless am convinced with this effect, kills Shays-Meehan. If Shays-Meehan has a chance, let us pass it. If it does

not have a chance and it goes down to defeat, you will have the opportunity to vote for exactly this concept. Then, boy, will you hear me in my righteous fervor responding to the arguments that have been presented against the gentleman from California (Mr. CALVERT).

For example, the wealthy person. Well, we Californians told the wealthy person something this last election, did we not, he asks rhetorically. We rejected those who spent their own money attempting to become Governor of our state, attempting to become Senator representing our state. And the argument that it is unfair misses the fact that it is sauce for the goose and it is sauce for the gander.

Your district is where you ought to raise your money from, but, please, do not hurt Shays-Meehan's chances of passage. You know it will peel off votes, you know it will cause the bill to be unacceptable to so many.

So I give you a reasonable alternative. I wish you would take it. Vote for my bill if it comes up, but do not destroy Shays-Meehan.

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

Mr. Chairman, I would say my head is spinning. The professor from California got very animated when he talked about this amendment, but he called it like it is. He loves certain aspects of this amendment, but he does know that it would cause tremendous harm to a coalition of Members who all had to give up certain things that they wanted for a common good, and that was to ban soft money, the unlimited sums that individuals, corporations, labor unions and other interest groups give to the political parties, that then get funneled right back to the candidate and make a mockery of our campaign laws.

We came to a compromise so we could recognize sham issue ads for what they truly are, campaign ads, and that means when it is a campaign ad, you follow the campaign rules. It means you cannot use corporate money, it means you cannot use labor dues. It means you have to disclose.

We codified the Supreme Court decision on Beck, which said that if a member of a union seeks to leave the union, that they do not have to have their agency fee which they are required by law to provide, that it should not include, if they choose not to, to have their agency fee include a political payment. Therefore, they pay a little less than the union dues.

We improve FEC disclosure and enforcement significantly, because we sought to come to a common ground between Republicans and Democrats, those who want campaign finance reform.

We seek to ban the franked mail, the district-wide mailing six months to an election. We did this through compromise. One of the things that did not survive the compromise was the very amendment that the gentleman is proposing.

We did this by compromise. We banned the raising of any foreign money and any fund-raising on government property. Now, it is not illegal to raise soft money from a foreigner, if they are not a citizen, because soft money is not viewed as campaign money. Therefore, it does not come under the statute.

Some could argue, and I am one, and we could have a disagreement, that raising soft money on government property, since it is not campaign money, does not come under the penalty. I realize others might disagree. But the bottom line is we came to a compromise in order to do these very significant things, and one of the things that did not make the compromise was the amendment suggested by my colleague, the gentleman from California.

So, we do need to defeat this amendment. I know that it has been offered in tremendous sincerity. I get down on bended knee and hope and pray that it is defeated, because it truly will blow apart a coalition of people who have sought to do something meaningful with campaign finance reform, and that is to restore integrity to the political process and to end the obscene amounts of money that we see in soft money, and to require those sham issues ads to be what they are, campaign issue ads.

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

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

Mr. Chairman, I would say to my dear friend from California, I like his idea raising 100 percent of the money within the district. I recognize that that is probably not realistic, and so I believe that half of the money should be raised within the Congressional districts that Members represent.

We heard earlier that maybe not even 10 percent is an acceptable number. Well, what is an acceptable number? We know that there are people who run for Congress that 99 percent of their money is raised outside of their district. I do not think the American public agrees to that. As the gentleman from Connecticut knows, I came here six years ago almost and have been talking about this 50 percent provision since I came here to Congress.

I think most Americans believe that you should raise at least 50 percent of the money within your Congressional District. I do not think it is outrageous. I do not think there is anything wrong with this.

As far as a wealthy candidate running in a Congressional district, I would say that any of us would have a problem if we were running against a very wealthy candidate, any of us. But, saying that, I would accept a perfecting amendment that would waive the rule if a wealthy candidate gets involved in a campaign and spends, say, \$100,000, to take care of that problem. I recognize that.

But what we are talking about here is 50 percent of the money within the

district. I think it is reasonable. I think most people would expect folks to come back and raise money. It is difficult. None of us like going to all the fund raisers we need to go to back home, getting back home and putting together these events. It is a lot easier having an event here in Washington, D.C., or somewhere elsewhere where you can raise a significant amount of money. But this is, I think, an important responsibility.

I would hope that all Members would accept this amendment. I think it is the right thing to do.

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

The CHAIRMAN pro tempore (Mr. BARR of Georgia). The question is on the amendment offered by the gentleman from California (Mr. CALVERT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CALVERT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from California (Mr. CALVERT) will be postponed.

Mr. SHAYS. 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. CALVERT) having assumed the chair, Mr. BARR of Georgia, 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.

#### MODIFICATION TO ORDER OF THE HOUSE OF FRIDAY, JULY 17, 1998, REGARDING FURTHER CONSIDERATION OF H.R. 2183, BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

Mrs. LINDA SMITH of Washington. Mr. Speaker, I ask unanimous consent to go out of order, notwithstanding the order of the House agreed to on Friday last, and combine amendments listed as 40 to 45 into one, and make it as the next thing in order after the Calvert amendment, and that debate be limited to five minutes for and five minutes against the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 2320

#### BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore (Mr. CALVERT). 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.

□ 2321

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 Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. BARR of Georgia (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, the request for a recorded vote on the amendment by the gentleman from California (Mr. CALVERT) had been postponed.

Under the previous order of today, it is now in order to consider the amendment by the gentlewoman from Washington (Mrs. SMITH).

AMENDMENT OFFERED BY MRS. LINDA SMITH OF WASHINGTON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS OF CONNECTICUT

Mrs. SMITH of Washington. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mrs. SMITH of Washington to the Amendment No. 13 in the nature of a substitute offered by Mr. SHAYS of Connecticut:

In Section 301(20) of the Federal Election Campaign Act of 1971, as added by section 201(a) of the substitute, strike subparagraph (b) and add the following:

“(B) Voting Record and Voting Guide Exception—The term “express advocacy” does not include a communication which is in printed form or posted on the Internet that—  
“(i) presents information solely about the voting record or position on a campaign issue of 1 or more candidates, provided however, that the sponsor of the voting record or voting guide may state its agreement or disagreement with the record or position of the candidate and further provided that the voting record or voting guide when taken as a whole does not express unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates,

“(ii) is not made in coordination with a candidate, political party, or agent of the candidate or party, or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent; provided that nothing herein shall prevent the sponsor of the voting guide from direction questions in writing to candidates about their position on issues for purposes of preparing a voter guide, and the candidate from responding in writing to such questions, and

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

In Section 301(8) of the Federal Election Campaign Act of 1971, as added by section 205(a)(1)(B) of the substitute, strike paragraph (D) and insert