There was no objection.

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill just passed, including thanks to my staff for helping me get through this.

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

There was no objection.

PROPOSING AMENDMENT TO CONSTITUTION TO LIMIT CAMPAIGN SPENDING

The SPEAKER pro tempore (Mr. HOBSON). 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 consideration of the joint resolution, House Joint Resolution 119.

□ 1940

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 consideration of the joint resolution (H.J.Res. 119) proposing an amendment to the Constitution of the United States to limit campaign spending, with Mr. HANSEN in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the joint resolution is considered as having been read the first time.

Under the rule, the gentleman from Texas (Mr. DELAY) and the gentleman from Massachusetts (Mr. MEEHAN) as the Member in favor of the joint resolution each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

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

Mr. Chairman, I rise today after having asked that this constitutional amendment be offered, although I disagree profoundly with what it tries to accomplish.

Mr. Chairman, I know this is very unusual that I would ask to introduce, or have the constitutional amendment of the gentleman from Missouri (Mr. GEPHARDT) introduced, even though he may not want it introduced. But I think frankly that this is the time to have this debate. Earlier on in the year, I thought, because of my opposition to campaign reform, particularly the Shays-Meehan approach, that I frankly would try to block its coming to the floor. But now that we are going to have this open and fair debate, I think it is high time that we have this debate, because this is a debate about free speech, this is a debate about the Bill of Rights and the first amendment to the Constitution. This is a debate that frankly the so-called reformers have had all their way for a very, very long time. It is time for this House to let the American people know what is going on, particularly in this case with this amendment, because this amendment, and I do not want to question anybody's motives, but I think this amendment frankly was offered to cover up some of the campaign abuses by the Democrat National Committee and this administration that we are looking into.

So I bring this amendment to the floor, to do so, to help clarify for my colleagues the real focus of this debate. Tonight we will frame the debate on campaign reform. Any debate on campaign reform and regulation has to begin and end with a discussion of the first amendment to the Constitution of the United States. That is why we are here tonight.

There are two sides when it comes to campaign reform. One side wants to change the Bill of Rights in order to give government more control of the political process. The other side, my side, wants to preserve the Bill of Rights and open up the political process to more Americans.

Now, make no mistake about it. The Gephardt amendment that we are about to debate is the most honest effort by the so-called reformers, honest effort, because it confronts, head-on, the troubling notion that most of these other substitutes, like the Shays-Meehan bill, do not pass the constitutional smell test.

□ 1945

The Gephardt amendment says that we should change the first amendment to fit the political passions of the moment. The Gephardt amendment would change the Constitution, change the Constitution to permit Congress and the States to enact laws regulating Federal campaign expenditures and contributions, which is currently held to be unconstitutional, and it would give to Congress and the States unprecedented, sweeping, and undefined authority to restrict speech protected by the first amendment since 1791.

Now the ACLU, not exactly one of my best supporters, but in this case very much on target, has noted that the Gephardt constitutional amendment is vague and overbroad. It would give Congress a virtual blank check to enact any legislation that may abridge a vast array of free speech and free association rights that we now enjoy.

As the Washington Post said, and they are not exactly a supporter of mine, but they editorialized against the Gephardt proposal, and I quote:

> Campaign finance reform is hard in part because it so quickly bumps up against the first amendment. The Supreme Court has ruled, we think correctly, that the giving and spending of campaign reforms is a form of political speech, and the Constitution is pretty explicit about that sort of thing. Constitution: The Congress shall make no law abridging the freedom of speech is the majestic sentence.

Now the minority leader himself, the gentleman from Missouri (Mr. GEPHARDT) stated his position honestly when he said, and I quote:

> What we have here is 2 important values in direct conflict: freedom of speech and our desire for healthy campaigns in a healthy democracy. You cannot have both. Why disagree with that? In my view, free speech and democracy are not in conflict. In fact, you can't have democracy without free speech and limiting free speech eventually limits democracy.

Now the Supreme Court has correctly noted when it said in a free society ordained by our Constitution, it is not the government but the people individually as citizens and candidates and collectively as associations and political committees who must retain control over the quantity and range of debate on public issues in a public campaign. If this constitutional amendment were adopted, Congress and local governments, not the people, would control speech.

The ACLU has noted that passage of this amendment would give Congress and every State legislature the power heretofore denied by the first amendment to regulate the most protected function of the press, and that is editorializing. Print outlets such as newspapers and magazines, broadcasters, Internet, publishers, cable operators would all be vulnerable to the severe regulation of the editorial content by the government.

Now a candidate-centered editorial, as well as op-ed articles or commentaries printed at the publisher's expense, are most certainly expenditures in support of or in opposition to particular political candidates, and the Gephardt constitutional amendment, as its words make apparent, would authorize the Congress to set reasonable limits on the expenditures by the media during campaigns when not strictly reporting the news.

And the New York Times is editorializing in favor of Shays-Meehan? Other newspapers are editorializing in favor of shutting off freedom of speech and freedom of, and I will yield to the gentleman from Massachusetts in just a moment, but such a result would be intolerable in a society that cherishes free press.

Now it is interesting to note that while the minority leader and many Members of his party support this constitutional amendment as the only way to limit spending in a constitutional manner, they also plan to vote in favor of Shays-Meehan that limits the same spending. Now if a constitutional amendment is needed, as the gentleman from Missouri (Mr. GEPHARDT) rightfully claims, then other bills that contain those same spending limits are constitutional.

Now the proposal of the gentleman from Missouri (Mr. GEPHARDT) does from the front door what other proposals like the Shays-Meehan bill do from the back door. Campaign finance reform should honor the first amendment by expanding participation in our democracy and enhancing political disclosure. The Gephardt constitutional

amendment does not honor the first amendment, it shreds it.

So I just urge my colleagues to vote to protect the freedom of speech and vote against the Gephardt constitutional amendment and then vote against all the other substitutes that limit campaign spending and violate the Constitution.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask the gentleman, he has made a fundamental confusion here. The constitutional amendment and the Shays-Meehan bill do different things, and no one has been arguing, prior to the gentleman from Texas, and I do not underestimate the novelty of the arguments he brings to us from time to time, but no one has argued that nothing is constitutional.

The constitutional amendment would allow us to go further; but, for example, one of the major parts of the Shays-Meehan bill is the ban on soft money. Would the gentleman tell me if he thinks that is unconstitutional, and would he tell me which decision of the Supreme Court makes banning soft money?

Mr. DELAY. Reclaiming my time, Mr. Chairman, I do not have to claim that soft money is unconstitutional. The Supreme Court of the United States has already stated that, and, reclaiming my time, and the gentleman can get his own time, let me just answer his question, and I have got to yield to other Members.

Let me just say that the constitutional amendment opens up all kinds of mischief, and let me finish, if the gentleman will let me finish, including the things claimed by the Shays-Meehan bill. If the Shays-Meehan bill was not unconstitutional, then you would not need the Gephardt constitutional amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield for one more question.

Mr. FRANK of Massachusetts. That statement is, of course, nonsense. The argument that if the Shays-Meehan bill was constitutional we would not need the amendment, is simply not true. It is, of course, often the case that you will be for a bill that takes you to the limits of what is now constitutionally possible and later for an amendment, and I would give a specific example: soft money.

I would like the gentleman to tell me, because the Supreme Court did say in the Buckley case that we can ban contributions, soft money contributions, not expenditures, would the gentleman tell me out of his great store of constitutional knowledge, recently acquired, what Supreme Court decision says that soft money ban would be unconstitutional?

Mr. DeLAY. It is very clear. Reclaiming my time, it is very clear in Buckley versus Valeo. They are very clear that if we collect moneys that is used in support of an idea or in the support of a particular issue, then we cannot limit the expenditures of the contributions of those moneys.

The gentleman makes a statement and then does not even have the courtesy to allow someone to answer the statement.

The point is that they were very clear in the fact that we can do anything in support of an issue, but we cannot specifically say that we are advocating the election or the unelection of a particular candidate.

So I say that the reason that the minority leader has bought a constitutional amendment to the floor is to show the fact that we have to manipulate and shred the first amendment of the Constitution in order to have the kinds of bills like Shays-Meehan, and the gentleman has his own time.

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

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

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

Mr. MEEHAN. Mr. Chairman, I would remind the gentleman from Texas that last week he voted to amend the first 16 words of the Bill of Rights.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK) a member of the Committee on the Judiciary and a recognized constitutional expert within this body.

Mr. FRANK of Massachusetts. Mr. Chairman, first of all, I want to express my appreciation for the appearance of the majority whip in a new guise, defender of the first amendment, and particularly as an advocate of free speech. He and I have served together for, I do not know, a dozen or 14 years. I guess I will ask for a nexus search. I cannot remember any previous occasion when the issue was freedom of expression that the gentleman from Texas was here.

We have had constitutional amendments, we had two amendments to restrict the first amendment or to cut back or to change what the Supreme Court says. He was for both of them; that is legitimate. We have had a whole series of assaults on free speech. Often it comes from speech that is obnoxious, but that is when free speech gets involved, and I am forced to conclude, not having previously heard the gentleman, he himself said he does not usually agree with the ACLU, he does not usually agree with the Washington Post. He quoted, by his own admission, authority after authority in defense of free speech to whom he is usually an opponent. He has a whole bunch of allies to whom he is usually a stranger. This is first time in my memory that the gentleman has been for free speech.

Why? Because we are talking about the free speech of people with large amounts of money trying to either win an office or buy some political influence. We are talking about free speech that is on behalf of millionaires, and it becomes very clear what the principle is. The gentleman is for free speech as long as it is expensive. I have never heard him support free free speech, but expensive free speech, the purpose of which is to buy one's way into the political process. He is all it.

He has also, it seems to me, neglected to mention one thing about the constitutional amendment, and I worked on the drafting of it. I agree that constitutional amendment, as it came before us, is not ready to be put in the Constitution. That is why it is so disappointing to see it used in this fashion.

I have never supported a constitutional amendment coming to this floor without a previous subcommittee markup and committee markup. This constitutional amendment has had no such markup in the subcommittee or committee.

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

Mr. FRANK of Massachusetts. I will yield to the gentleman from Texas.

Mr. DELAY. Is the gentleman from Massachusetts not a cosponsor of this amendment?

Mr. FRANK of Massachusetts. Yes, I am a cosponsor of this amendment which did not get a subcommittee markup and did not get a committee markup. I am sorry those terms appear to be foreign to the gentleman from Texas.

When we are dealing with the Constitution of the United States, it would be irresponsible to go directly from the drafting to the floor. That did not happen with the balanced budget amendment. That did not happen with the various religious amendments. We work in the Committee on the Judiciary on these amendments, and I cosponsored; I said I worked on it.

What I wanted, however, was to begin a serious discussion, and if the Republican leadership really wanted to advance that discussion, they would have had a subcommittee markup, they would have had a committee markup bringing a constitutional amendment directly to the floor.

Having refused for a year and a half to have any committee consideration, it is hardly serious legislating about the Constitution. In fact, if anybody had tried to get an amendment through seriously that way, he or she would legitimately be subjected to criticism.

Then the next thing the gentleman does is totally collapse this into the bill, and I am impressed by the reasoning here. Apparently he recognizes, and his allies, that the bill brought forward by the gentleman from Connecticut and the gentleman from Massachusetts is hard to attack on its merits, so he has abandoned that by claiming that it is clearly unconstitutional.

No one who was supporting the constitutional amendment introduced it as a substitute for this bill. Indeed, those

of us who think a constitutional amendment would be useful explicitly believe that legislation is possible and desirable but that an amendment could take us further, and his suggestion that Buckley outlaws a ban on soft money is clearly wrong. Buckley clearly says soft money has to do with the contributions. The gentleman is talking here in this bill about limiting contributions, and Buckley said we could limit contributions. It said we can limit them to a thousand dollars.

Now, there are separate issues with issue advocacy and independent expenditure. What the gentleman from Texas is doing is collapsing everything. The constitutional amendment and soft money and issue advocacy and independent expenditures, all complicated, substantive subjects, get collapsed into his rhetorical assault on the notion of reform because he is not for restricting expensive free speech.

The gentleman from Texas, as he said, did not want the bill to come to the floor. He told us that. So he decided instead to let it come to the floor in the most convoluted process. By the way, the Committee on Rules, which would not allow a single amendment onto the floor to reduce the defense budget by a penny, which has restricted important amendments on virtually every other bill we have today, has allowed to this bill, I believe, more amendments than were made in order for all the other bills this Congress has dealt with this year. That is, of course, not serious legislating.

I yield to the gentleman from Texas.

Mr. DELAY. I have not asked for the gentleman to yield.

Mr. FRANK of Massachusetts. Oh, I am sorry. I just did not realize the gentleman was taking the seventh inning stretch so early in the evening.

What we are talking about here is a recognition that this bill cannot be assailed on its merits, so we have, and here is what they have done: First of all, they bring forward a constitutional amendment that they have not allowed to have a subcommittee markup or a committee markup. It had a hearing over a year ago, but, no, went further on that, and we have not had that process of debate and discussion that refines procedures.

□ 2000

If, in fact, people try to bring this to the floor without subcommittee markup, people would be yelling at it.

Secondly, the inaccurate claim was made that because you are for a constitutional amendment in a certain area, you must think no legislating is possible. And the gentleman confuses the issue of soft money. Buckley clearly says you can limit contributions. The ban on soft money here is a ban on contributions. Maybe a later Supreme Court might say no to it.

I must say also I am further impressed by this. This Congress voted for the Communications Decency Act as part of the Telecommunications Act. It was defeated 9 to 0 in the Supreme Court. By the way, the people of constitutional knowledge who were surprised that the Supreme Court did that was quite slender. That did not stop Members from voting against it.

That is another new-found trait of the gentleman from Texas. He is now determined apparently never to vote for anything that would be unconstitutional. Maybe we could make that retroactive and he could go back into the record, because I am willing to point out to him areas where he has done just that.

So I do not think the gentleman as a defender of free speech comes with quite as much experience as he may bring to other issues.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, the gentleman has talked about all my motives for bringing this to the floor and everything, except the substance of the amendment before us. Could the gentleman enlighten us, is he for or against the amendment that is before us?

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, first let me say this. I have not spoken about the gentleman's motives. I talked about the gentleman's newfound love of free speech that costs a lot of money. I talked about the procedural inappropriateness of the way of doing this. And my answer is, I am for a Constitution America amendment. I am not for this one as written, as I am rarely on a complicated and sensitive subject for the first draft of anything, precisely because I recognize that the Constitution is an important document.

What I would like to see is a subcommittee markup and a committee markup dealing with this set of subjects. I know of no one who is capable of excogitating that and then, without any discussion, without anybody else, bringing it forward. So I am in favor of a constitutional amendment.

I also share the overwhelmingly majority of opinion, contrary to the gentleman from Texas, that there is plenty of area left by the Supreme Court in which you can legislate. The gentleman suggested that all these bills were unconstitutional, and no one but him thinks that. He is entitled to the splendid solitude of his constitutional opinion, but I do not think it ought to influence the House.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman for yielding.

I would like to engage in a short colloquy with the gentleman. Is it not true that the Supreme Court has held that it is constitutional to limit the contributions that an individual gives to $1,000?

Mr. FRANK of Massachusetts. Yes. In the Buckley case, that is exactly what they held.

Mr. CAMPBELL. Is it not also true that the Supreme Court has held that it is constitutional to limit the contributions that a political action committee can give to $5,000?

Mr. FRANK of Massachusetts. Subject to correction by the constitutional authorities, I would say yes.

Mr. DELAY. If the gentleman would yield further, I just want to correct the gentleman. He is absolutely right, it is constitutional for a $1,000 contribution from individuals and $5,000 contributions limited to PACs to political candidates.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I must say I am a little puzzled when my friend from Texas says, ''I want to correct the gentleman, he is absolutely right.'' That is not what I would ordinarily list as a correction.

Mr. CAMPBELL. If the gentleman will yield further, I want to take two other examples, and on my own time I will have points to make. But I just I thought it would be useful to illustrate the gentleman's point that the Supreme Court has held in absolutely clear fashion that limits are contributions are constitutional in the context I have given.

The only other two I would mention, is it not true that the Supreme Court has for over 50 years upheld the constitutionality on bans of corporations' outright expenditures in campaigns, and the Supreme Court has recently as the Austin v. Michigan Chamber of Commerce case restricted the activity in the campaign field by chambers of commerce?

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, yes. As my friend from California, who teaches constitutional law, among other things, at the time when he still had a day job, knows, there is a complex set of opinions, and some things are allowed and some are not, and there is also a gray area, and some of us think that what has clearly been banned from regulating should be expanded.

But no one, except apparently the gentleman from Texas, thinks that the current constitutional doctrine makes all of this unconstitutional. Everyone recognizes that there is an area of regulation, and I believe that the gentleman from Connecticut and the gentleman from Massachusetts have together come up with a bill that has enough appeal within what is constitutionally possible, so the gentleman from Texas's first reaction, he said, was to block the bill from coming to the floor; the second reaction was to come up with the most bizarre rule which is designed, in fact, to prevent anything from ever coming forward; and the third to inaccurately claim it is unconstitutional.

I will repeat as I close and say I think we should do a constitutional amendment. It should be done in the

normal way of a subcommittee and committee markup. But none of that means that the Shays-Meehan bill, particularly in some of its core provisions, like limiting soft money, is remotely arguably unconstitutional.

Mr. DELAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Chairman, I listened with great interest to my friend from Massachusetts being highly critical of the gentleman from Texas (Mr. DELAY) for bringing his own amendment forward, complaining that it was not slowed down by a markup in the Committee on the Judiciary, where it might not have squeaked out and still be residing in the desk drawers over there. That is unusual, that someone would object to expedited treatment of their legislation. That makes this an historic day.

But really why we are here is to address perhaps a philosophical question as to the astonishing statement of the distinguished minority leader, that you cannot have healthy campaigns in a healthy democracy and free speech. That is a startling statement. I think we are entitled to wonder and explore whether or not that truly expresses the sentiment of Members of this House, because it has always seemed to me, naive as I may be, and certainly unlettered in the nuances of the Constitution, that you cannot have healthy elections without free speech. It is a condition precedent to a healthy election.

Now, Thomas Jefferson, who was no stranger to free speech, said in 1808, ''The liberty of speaking and writing guards our other liberties.'' So we should be very careful. I think the phrase the court uses is ''strict scrutiny.'' We should impose strict scrutiny on any efforts to limit the first amendment, which has served us pretty well for 222-some years. Yet here we are in this Chamber, under the watchful eye of Lafayette on my left and George Washington on my right, debating essentially the downsizing, the rationing of free speech, this very precious freedom.

George Orwell, in a review of a book by Bertrand Russell, said, ''We come the task of the intellectual to speak of the obvious.'' I certainly do not make any claim to being an intellectual, but the dangers of the amendment of the gentleman from Missouri (Mr. GEPHARDT), cosponsored by the distinguished gentleman and learned constitutional scholar from Massachusetts, those dangers, it seems to me, are painfully obvious.

Is it not obvious that the ability of citizens, individually or in groups, to publicly criticize political candidates or public policy or public officials is the heart and the soul of our political system?

Now, we proclaim, most of us do, that we are for limited government. But this amendment, if it became law, is Big Brother run amuck. Have you thought about the enhanced power of the media as the rest of us try to cope with the Federal speech police? This amendment allows the State to regulate campaign expenditures, therefore to regulate free speech. That is the dream, the wish fulfillment of every tyrant since the dawn of recorded history.

This amendment, if it became in the Constitution, would be a massive consignment of power to the courts, who will then make the determinations as to what is reasonable, an invitation to endless litigation.

Our Declaration of Independence tells us that government derives its just powers from the consent of the governed. That means an informed electorate is indispensable to a functioning democracy, and free speech, political debate, ideas, proposals for governing, are the necessary conditions for informing the electorate.

How do you communicate your ideas, your proposals, your criticisms; how do you effectively campaign when free speech is rationed? Newspaper ads, television, radio commercials, signs, leaflets, buttons, telephone banks, U.S. postage, all of these things cost money, and to limit a candidate's ability to raise money is to limit his or her speech, and, therefore, and thereby, limiting the information available for informed decisionmaking.

History has got a way of repeating itself, and this amendment reminds me of the Alien and Sedition Acts of 1798, where the Federalists tried to suppress criticism of the government. They, too, had the idea that there was just too much political advocacy, and the government could be trusted to decide and enforce the correct amount.

This amendment is a frontal assault against our most cherished principles, principles that monuments and military graveyards from Arlington to Iwo Jima remind us were paid for with American blood. If this amendment were to pass, we would demean the towering accomplishments of our founders and our framers, and we were not sent here to demean or downsize the Bill of Rights, but to defend it.

One hundred thirty-four years ago in a little cemetery in Pennsylvania, one of my State of Illinois' most illustrious sons asked a haunting question, whether this Nation, conceived in liberty and dedicated to the proposition that all men are created equal, can long endure. Each generation has to answer that question for itself, and I wonder what our answer will be?

Mr. Chairman, I hope we can defeat this amendment and the inadvertently pernicious philosophy behind it, and, for this generation, keep faith with those who gave us these blessed freedoms.

Mr. MEEHAN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CAMPBELL), a cosponsor of bipartisan campaign finance reform, the Shays-Meehan bill, and a constitutional law professor from California.

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

Mr. Chairman, the distinction before us is between expenditure of money, which the Supreme Court, in my view, has correctly identified as a form of expression, and contribution, which is an act. In offering this amendment, my good friend and colleague, for whom I have the highest regard, is, I believe, confusing the two.

I believe that the amendment is offered in order to suggest that you need to amend the Constitution in order to have Shays-Meehan, or McCain-Feingold, as it is known in the other body.

In reality, you do not, because there is this vital distinction between expressing your own views or spending your own money to express your own views, which is quite protected, and the act of contributing to somebody else for their campaign, contributing to a political party, contributing to a PAC, the soft money, which is the subject of the regulation under Shays-Meehan or McCain-Feingold.

The Supreme Court has been careful to emphasize this difference. It did it in the Buckley v. Valeo case when, in 1976, it dealt with the first attempt in modern times in the post-Watergate era to regulate the activities of campaigns. But it was not the first time that the Supreme Court drew distinctions that affected speech under the first amendment. Indeed, the Supreme Court has made quite a practice of dealing with speech under the first amendment.

''Congress shall make no law abridging the freedom of speech'' is the wording of the first amendment, and yet the Supreme Court has said, except the Congress may restrict commercial speech; except the Congress may restrict speech that constitutes libel and slander; except Congress may restrict speech that constitutes obscenity. Congress may restrict speech that constitutes an incitement to imminent lawlessness. Congress may restrict speech that constitutes a group libel. Congress may restrict speech that constitutes fighting words.

☐ 2015

So with this background where the Supreme Court has, over many years, made distinctions, we come to the question of campaign finance. Every time that the Supreme Court has said that it is permissible for the Congress to deal with speech, it has said, provided the fundamental goal of free speech is protected, then for very important other reasons there can be restrictions, but that fundamental goal is protected.

Here, the fundamental goal is my ability to spend my own money and my own time speaking in my own way. But to prevent corruption and to prevent

the appearance of corruption, it is permissible and, in my view, highly desirable to limit how much somebody can give to me or how much somebody will spend to influence a campaign under the aegis of the Republican Party in my case or the Democratic party on the other side.

In conclusion, I say do not confuse these issues. We do not need to amend the Constitution to do what needs to be done, and what needs to be done is the Shays-Meehan campaign finance reform bill.

Mr. DELAY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I rise to speak in opposition of H.J.Res. 19. Some of our colleagues would have us believe that the only way we can have campaign finance reform is to amend the Bill of Rights and overturn the Supreme Court's decision in Buckley v. Valeo.

The First Amendment in the Constitution guarantees that Congress shall make no laws abridging the freedom of speech or of the press. The Buckley v. Valeo decision provides that, although certain limitations on contributions are permissible, that limiting political expenditures is an unconstitutional denial of free speech in violation of the First Amendment.

The proposed amendment, however, will allow Congress and the State legislatures to prohibit certain speech and actions by candidates, their donors, political action committees, issue advocacy groups, and the press.

Mr. Chairman, I believe that we are better off trusting the American people to discern the value of information they receive than we are in having Congress or the States regulate the information they receive. There are several problems with this proposed amendment.

First, the contemplated amendment proposes an unprecedented exception to our free speech right and would represent the first time the Bill of Rights has been amended. At the very place in the Constitution where we have protected the free speech rights of Americans for over 200 years, we should not add a prohibition on political speech.

Second, Mr. Chairman, because the proposed amendment uses vague terminology to define what Congress can do to regulate a political speech and elections, it will be left to future Congresses to implement legislation to decide what is reasonable and what is effective advocacy.

As we have seen with other constitutional amendments on this floor, a transient majority will frequently vote against the Bill of Rights. A majority of this House, as a matter of fact, has already voted twice this Congress to amend the Bill of Rights. We should not allow a simple majority to define who gets to say what during a campaign.

The third point, Mr. Chairman, the proposed amendment would also make regulation of the press possible for the first time. Heretofore, the first amendment has denied legislatures the power to regulate the press in any way or prohibit media endorsements of candidates.

Since the expense of producing and communicating an editorial comment could be included as an expenditure of funds to influence the outcome of an election as described in the proposed amendment, it will subject the press to regulation as we have never done before. This outcome will be intolerable to the American people. Even if there were an exception for newspaper editorials, who would get to decide when a publication is a newspaper?

Finally, Mr. Chairman, the proposed amendment would grant Congress and the State legislatures the authority to define express and issue advocacy. The ability to make the distinction between these two forms of speech will leave only candidates, political action committees, and the media free to comment about candidate records during elections, and it would deny freedom of speech to individuals and groups who might want to comment on issues that may have political ramifications.

We have many reforms that can be considered without overturning the Supreme Court decisions or amending the Constitution. We can consider other reforms such as public financing of elections, improved disclosure requirements, providing discount vouchers for media coverage, reinstating tax credits for small contributions, and on and on. There is a lot that we can do without putting our right to free speech in jeopardy.

Mr. Chairman, I urge all of my colleagues on both sides of the aisle to vote against this attack on our Bill of Rights.

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

Mr. Chairman, I am struck as I look at the clock and it is 20 minutes past 8:00, no further votes expected, and here we are debating campaign finance reform. It is interesting.

Mr. Chairman, I yield 4 minutes to my friend, the gentleman from Maine (Mr. ALLEN), who has been a leader in the effort to pass bipartisan campaign finance reform, working with both Democrats and Republicans in the freshman class.

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise tonight in opposition to this amendment, but I do not for 1 minute want to suggest that this debate is about the amendment.

What is going on here? We have the majority whip on the Republican side bringing forth a proposed constitutional amendment by the Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), and then saying he is going to vote against it. What is going on here?

I will tell my colleagues what is going on. The gentleman from Missouri (Mr. DELAY) said that he wanted to frame the debate. I will tell my colleagues what is going on. This is an attempt to drag a red herring across this whole discussion.

What is going on here is this: Since campaign reform was brought back to the floor, the free speech coalition, so-called, is in full gear, is in overdrive. It really should be called the free speech/big money coalition. Every time the antireformers say ''free speech,'' they really mean ''big money.'' The antireformers cannot defend big money on its merits. The American people would not buy it. So they cloak the rhetoric in the terms of free speech.

Members of the free speech/big money coalition claim that all campaign finance reform is unconstitutional. These folks claim that money and speech are one and the same. They argue, since money is equal to speech, reasonable limits on contributions are unconstitutional. They are wrong. Antireformer free speech arguments are simply cynical attempts to confuse the issue of campaign finance reform.

I want to deal with two issues, one a soft money ban. Until tonight, I had never heard Buckley used as a way to suggest that a ban on soft money would be unconstitutional.

Some antireformers claim that soft money is constitutionally protected under the Colorado Republican Party decision. Wrong. That decision dealt with hard money, not soft money. In fact, the Colorado court said it ''could understand how Congress, were it to conclude that the potential for evasion of the individual contribution limits was a serious matter, might decide to change the statute's limitations on contributions to political parties''; in other words, contributions of soft money. In other words, Congress can ban soft money.

Take the second issue. Antireformers contend that the Supreme Court has said disclosure of issue advocacy is unconstitutional. And they sometimes hold out the case of McIntyre v. Ohio Board of Elections.

McIntyre involved an individual handing out fliers advocating a position for a local election. The flier did not have a disclaimer, and, yet, the Ohio elections board argued that the State's disclosure law had been violated.

The court held that small-scale anonymous pamphleting is constitutionally protected, but they said this applies only to printed materials, not to television or radio. So the court did not find that this Congress could not require disclosure about radio and television issue advertisements.

There are two primary constitutional arguments used by the free speech/big money coalition. They are both baseless. Soft money can be banned, and information about issue ads can be disclosed.

Both of the major pieces of legislation before this body right now, the Shays-Meehan bill and the Hutchinson-

Allen bill, the freshman bill, both ban soft money, and both have restrictions requiring disclosure on issue advocacy.

Antireformer arguments about free speech are red herrings. They are designed to confuse, to cast out. When antireformers say ''free speech,'' they mean ''big money.'' They want to protect big money, and they use the rhetoric of free speech. That is what this debate is all about. Free speech in this democracy does not equal big money. The antireformers are wrong.

The CHAIRMAN. The gentleman from Texas (Mr. DELAY) has 8½ minutes remaining. The gentleman from Massachusetts (Mr. MEEHAN) has 12 minutes remaining.

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

Mr. Chairman, I wish the gentleman would have yielded to me, because the gentleman is claiming all kinds of things about big money, soft money; and the gentleman himself received about a million dollars from labor unions in support of his election. Now that he is in office, he would want to ban similar type of spending that might be used against him.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DOOLITTLE).

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

Mr. DOOLITTLE. Mr. Chairman, I am happy that we are considering this proposed amendment to the Constitution, because this amendment, without question, is where the debate ought to be on the government regulation of political speech which is under consideration.

I want to commend the gentleman from Missouri and my other liberal colleagues who have endorsed this approach. I do not endorse it, but I commend them, because it is honest. My liberal colleagues recognize that, in order to limit speech, it is necessary to amend the first amendment. They know that any attempt to abridge a citizen's first amendment rights by statute, such as most of the proposals before us do, in fact, is unconstitutional. So I commend them for their honest admission of this fact.

Mr. Chairman, this is a debate which will clarify that the so-called campaign finance issue is really about limiting our right to engage in political speech and participate in free elections.

In an effort to pave the way for big government regulations such as Shays-Meehan, this resolution would amend the Constitution to grant Congress and the States power to set spending and contribution limits and to define what a political expenditure is.

The words of the Gephardt resolution are relatively few, but the ramifications are stunning. The amendment would give Congress a free hand to regulate, restrict or, indeed, even prohibit any activity which is perceived by the government to constitute the campaign expenditure.

Candidate spending, independent expenditures, and even issue advocacy by private citizens and groups would be swept within the orbit of governmental regulation.

Thanks to the first amendment, America's premier political reform, Congress does not have the authority to stifle political speech. The Supreme Court has rightfully rejected efforts to suppress political speech time and time again.

If this amendment should pass, it would provide the government with a blank check to gag American citizens, candidates groups, and parties. Liberals call this reform.

The Founding Fathers had the wisdom and courage to construct the Constitution of the United States. The first amendment has served our Nation well for over 200 years. The first amendment speech protections are a legacy we are extremely fortunate to have.

Of all the types of speech that we are guaranteed by the first amendment, guess which was the most important in the minds of the framers? It was not the ability to go out and advertise automobiles or beer. It was political discourse, the very thing the British Government tried to abridge when it was in power. Our founders tried to prevent this from ever happening again by enacting the first amendment.

Mr. Chairman, the first amendment prevents the government from rationing the political speech of an American citizen through campaign spending regulations in the same way it prevents the government from telling the Washington Post or the Sacramento Bee how many numbers it may distribute or how many hours a day CNN may broadcast.

□ 2030

Amending the first amendment for the first time in two centuries, the big government reformers want to make the unconstitutional be constitutional. They would rewrite the first amendment, a frontal assault on American freedom that even the ACLU has characterized as a recipe for repression.

While I relish the debate itself, I recoil at the prospect of gutting our first amendment freedoms. I prefer the crystal clear language of the first amendment, which says, ''Congress shall make no law abridging the freedom of speech.''

We as representatives would do well to abide by the Constitution and defeat this resolution.

Mr. MEEHAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), who has been a leader in the effort to fight for campaign finance reform, and a leader in our bipartisan effort to support the Shays-Meehan bill.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, we have an historic opportunity to pass real campaign finance reform in this Congress. That opportunity is Shays-Meehan. Although some of my colleagues in this body support an amendment to overturn the Supreme Court's decision in Buckley vs. Valeo, such an amendment is not needed to pass Shays-Meehan. Shays-Meehan will pass constitutional review. The DeLay amendment will do just that, delay. I have been told that the amendment's sponsor does not even intend to vote for it.

Shays-Meehan will ban soft money once and for all, and will require greater disclosure from groups which conduct sham issue advocacy ads. For months we have held hearings in the Committee on Government Reform and Oversight on alleged campaign finance abuses. All of the alleged abuses involved soft money. Not one of these hearings would have been needed or would have been held if Shays-Meehan had been enacted, if Shays-Meehan had been law.

If we vote in favor of the DeLay amendment, those of us who may favor it, it will be years before it could take effect while the States debate ratification. In the meantime, we will have lost our best chance in years to pass real reform, Shays-Meehan. There is an old saying that a bird in hand is better than two in the bush, and the Shays-Meehan bill is within our grasp.

So I am urging all of my colleagues who are sincere reformers on both sides of the aisle to vote present on all substitutes, on all bills, except Shays-Meehan. Let us keep our eye on enacting within this Congress and passing it and ratifying true reform, Shays-Meehan. Vote present or no on the DeLay amendment and yes for Shays-Meehan.

Mr. MEEHAN. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentlewoman from California (Mrs. LOIS CAPPS).

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

Mr. Chairman, I rise first to say how grateful I am that this debate has finally begun. Many of us have different views of campaign finance reform, but the fact that the House has begun to consider these approaches tells me that we have finally listened to the will of the American people who desperately want us to fix our political system.

I hope that as we debate this issue over the next several weeks we will do so in a bipartisan, civil, and thoughtful manner, because in fact, I do believe that the nature of our deliberation itself is a part of the reform experience and enterprise.

I would support a constitutional amendment on campaign funding if I believed that it would be the only option available to us to change this system. But I oppose the amendment at this time for these reasons.

First, instead of taking the long, arduous, and radical step of amending the Constitution, we do have the ability now to make dramatic changes to

our political system by passing a bipartisan Shays-Meehan bill later in this debate.

Second, changing the Constitution is only necessary if we were to impose overall mandatory spending limits on campaigns. The Shays-Meehan bill contains numerous important reforms. In particular, it bans soft money and regulates issue ads, but it does not mandate overall spending limits.

Third, this amendment is being offered as a vehicle to criticize the Shays-Meehan and freshman reform bills as unconstitutional, and they are not. The Supreme Court has repeatedly upheld a variety of contribution limits, and has furthermore ruled that Congress is within its right to enact additional reforms.

The Shays-Meehan bill will not restrict free speech. Failure to pass this bill will suppress the voices of average Americans who are clamoring to be heard over the din of wealthy special interests dominating our political landscape, and this is the reason now that we must defeat this amendment and support the Shays-Meehan bill.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute and 50 seconds to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, I have not been convinced that we need an amendment to the Constitution in order to enact real campaign finance reform in this Congress. In fact, throughout the time that I have served in this particular body, I have avoided all attempts to change the Constitution, many of which came, of course, from that side of the aisle.

Mr. Chairman, I heard someone say earlier tonight that the reason they were here was to preserve the Bill of Rights. I know that just a week ago, 217 Members of this body voted to change the Bill of Rights and the first 16 words of the First Amendment.

I also know that many of the same people who are arguing about free speech interests tonight were also cosponsors and voters in support of the flag-burning amendment, which, indeed, restricted the ability of individuals to make their views known through burning the flag.

I also know that the majority whip and many Members who are participating in this debate tonight voted for the Internet Decency Act, and to restrict people's ability to express themselves on the Internet. So I have to assume that in fact this is not about the first amendment and people's rights to express themselves. It is about stopping campaign finance reform.

The argument that was put forward is that this particular amendment was brought to the floor by the minority leader, when in fact it was brought to the floor by the majority whip. There is a trend that I see happening in this body, a very disturbing trend. A week ago we saw the elements of the President's budget brought not at his request to the floor but by the chairman of the Committee on Rules. Why? Because it was important to construct a straw man that could be attacked and then voted down. That is what we have tonight, a straw man.

We also have an attempt to mislead. Shays-Meehan does not require a constitutional amendment to be put in place. How do I know? Because when it was introduced, I sent it to constitutional scholars throughout my district.

Mr. MEEHAN. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP), who has been a leader in the bipartisan effort to get campaign finance reform, and a leader on Shays-Meehan.

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

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

Mr. Chairman, while I think this is a cynical amendment, and certainly I do not want to question anyone's motives, I do think this is valuable in that an amendment like this will bring out the more extreme viewpoints in the House on this particular issue, because we have people from one extreme that say we need a constitutional amendment, which obviously most of us think is a bad idea, and then the other side that says we should just have unlimited expenses by whoever and whatever and whenever, no matter which direction our society is going in.

I want to bring the perspective of kind of the logical, commonsense approach from East Tennessee, kind of out of the heart of America. I do not accept PAC money. I always thought that was kind of a bad thing, so I just decided a long time ago not to take that money. I raise my money from individuals, the old-fashioned way. I can look them in the face.

In 1996, 95 percent of the money in my campaign was from the State of Tennessee, just kind of down home grass roots. I think we keep our hands more clean that way and say no to it all.

Where I am coming from here is I do not want big special interest groups with tons of money to dominate our elections to the United States House of Representatives. I think there is a commonsense approach that says we should have some limits on soft money from tobacco and alcohol and gambling interests, of all things, that is climbing so fast that it is going out of control.

Do we want big tobacco to have the ability to just dump millions of dollars, which they already have, directly to the political parties, without any restraints or any controls? Do we want to cause Members of the House of Representatives to lose control of our own elections because of outside influences, where they had independent groups come in and bombard them with their $1 million, and they raise money from individuals back home, and they cannot even stay in the game because of these outside influences? Come on. Common sense says there is some reasonable balance, and we can reform this system.

I want to thank the leadership for bringing campaign finance reform to the floor, but I want to encourage our leadership to do what they said they were going to do and bring reform to the floor. We have a bunch of good substitutes to choose from, and it is time we bring them to the floor. I do not mind staying up until 4 in the morning, but I want to see these votes scheduled.

I say to our leadership, I thank them for changing their strategy and bringing this issue back to the floor, where it deserves to be heard. But I also say, let us get on with it.

I am an appropriator. I know we have appropriations bills to bring to the floor, but we cannot just continue to delay this issue. I am not using the gentleman's name, I say to the gentleman from Texas (Mr. DELAY), the majority whip. I just meant to say, let us not delay, no pun intended, sir. I have the greatest respect for the gentleman.

But we do need to debate these substitutes. As soon as we can, we need to move beyond the cynicism, beyond the extreme, come to the middle ground.

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

Mr. WAMP. I yield to the gentleman from Indiana.

Mr. HOSTETTLER. Mr. Chairman, as someone who has never received special interest PAC money in the history of his elections, I think it is important that the gentleman makes it clear that the gentleman has in the past. Is that not the case?

Mr. WAMP. No. I have not, did not. I have never accepted PAC money. I will make that clear. That is right. I thank the gentleman for clarifying.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume to say that I have never taken PAC money in the history of my election.

Mr. Chairman, I yield the remainder of my time to my colleague, the gentleman from Connecticut (Mr. SHAYS), who has played such a great leadership role working with both sides of the aisle to bring real, true, bipartisan campaign finance reform to a vote on the floor of this House.

The CHAIRMAN. The gentleman from Connecticut (Mr. SHAYS) is recognized for 3 minutes.

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

Mr. Chairman, it is exciting to begin the process of debating campaign finance reform. It has been an absolute pleasure to work with the gentleman from Massachusetts (Mr. MARTY MEEHAN) and Members on both sides of the aisle who favor reform, and I also thank my freshman colleagues on both sides of the aisle for working so hard to bring campaign finance reform before this Chamber. Had the freshmen not made their effort, we would not be here today, and I thank them from the bottom of my heart.

The Sharp Meehan substitute does not circumvent the Constitution of the

United States. The amendment my majority whip has offered is not an issue I support, and I will be voting against his Constitutional amendment.

We support a ban on soft money, both on the Federal and State level, for Federal elections. We also believe we need to call the sham issue ads what they truly are, campaign ads. It means that people who attempt to influence elections will exercise their freedom of speech through the campaign process, and that we all play on a basically even field.

Right now if we say, ''Vote for, vote against, elect, reelect so and so,'' it is a campaign ad. Under our bill if one talks about a candidate 60 days to an election, it is a campaign ad and must come under the campaign rules.

Current law does not limit what we can spend, it limits what we can raise from each individual. A wealthy person can spend whatever they want under our campaign laws. We do not change that. They have to file and record what they spend. That is the law now. We are not changing it.

We codify Beck, which was the Supreme Court decision that said that a nonunion employee does not have to pay their agency fee to cover campaign expenditures. We improve the FEC disclosure and enforcement. We say that wealthy candidates who spend more than $50,000 cannot turn to their own parties for additional help.

We say that foreign money and money raised on government property is illegal. Believe it or not, it is not illegal now, because, surprisingly, soft money is not considered as a campaign contribution. It was intended years ago, to be used for party-building, but it has been totally misdirected.

I would urge this House to pay close attention to what happens in the next few weeks. It was my hope and expectation we would deal with campaign finance reform in February, as my leadership promised, or March, at the latest.

□ 2045

That did not happen. And then we were told we would deal with it in May. Unfortunately, that has not happened. There is a point where the word of our leadership needs to be honored. I hope we can expedite debate and conclude our work to reform our campaign laws.

Mr. DELAY. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, it is amazing to me no one wants to talk about this constitutional amendment. When the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader said, and I quote, ''I intend to fight for and make the case for this amendment, because I believe the future of our democracy demands such a change,'' yet he refuses to come down and speak for an amendment that he and others, including the gentleman from Massachusetts, have beaten their chest about for months in order to cover up some of the campaign abuses by the Clinton administration and the Democrat National Committee.

The gentleman from Massachusetts has asked many questions trying to confuse us about the difference between contributions and expenditures for candidates and contributions and expenditures for organizations and parties. The Supreme Court was very real and very straightforward on the two. They said Congress could possibly limit contributions and expenditures to candidates because there is a potential for corruption.

Now, I do not know anybody in this House that is corrupted by the expenditures or contributions. On the other hand, they also said parties and groups cannot be corrupted, therefore we cannot limit their ability to speak out by raising money and spending it.

So I answer the gentleman from Massachusetts (Mr. FRANK) in his own words, a letter to our colleagues signed by the gentleman from Massachusetts and the gentleman from Missouri (Mr. GEPHARDT):

''Many of the changes to our campaign finance system that people rationally argue for are simply unconstitutional.'' We heard him say right here that that is not the case. ''Since the Supreme Court's 1976 opinion in Buckley versus Valeo, through its recent decision in Colorado Republican Federal Campaign Committee, it has been made repeatedly clear that the constitutional barriers erected by the court cannot be wished away. That is, the Supreme Court has consistently and ever more assuredly told us that any restrictions on expenditures by candidates or anyone else are unconstitutional.'' This is the gentleman from Massachusetts.

''While we may restrict contributions to candidates, those permissible restrictions are very narrow and cannot reach the kind of abuses that we are interested in curbing because they are easily circumvented. In short, neither Congress nor the States have any constitutional authority to limit expenditures, independent issue advocacy, or uncoordinated.''

And I quote from the gentleman from Missouri and the gentleman from Massachusetts: ''The current explosion in third-party spending is simply beyond our ability to legislate.''

They want this constitutional amendment so that they can change the first amendment to the Constitution and limit our ability of free speech. And the reason I brought the amendment here is to catch them, to catch them after they had beaten their chests about Shays-Meehan and others.

We will get into this and it will be a long, open and fair debate; what the reformers have asked us to do. And we will have that open and fair debate as long as it takes, because I believe that people in this body are too cavalier with American's freedoms. Too cavalier to say, as it was just said, we ought to stop these bad old special interests. Well, whose special interests? Americans that spend $100 or $200 to contribute to a group like National Right to Life or National Organization of Women? Are those big bad special interests?

Mr. Chairman, I will be asking those that vote ''present'' on this amendment why they cannot stand up for what they have believed in in the past.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the joint resolution is considered read for amendment under the 5-minute rule.

The text of House Joint Resolution 119 is as follows:

H.J. RES. 119

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

''ARTICLE —

''SECTION 1. To promote the fair and effective functioning of the democratic process, Congress, with respect to elections for Federal office, and States, for all other elections, including initiatives and referenda, may adopt reasonable regulations of funds expended, including contributions, to influence the outcome of elections, provided that such regulations do not impair the right of the public to a full and free discussion of all issues and do not prevent any candidate for elected office from amassing the resources necessary for effective advocacy.

''SECTION 2. Such governments may reasonably defined which expenditures are deemed to be for the purpose of influencing elections, so long as such definition does not interfere with the right of the people fully to debate issues.

''SECTION 3. No regulation adopted under this authority may regulate the content of any expression or communication.''.

The CHAIRMAN. The Chairman of the Committee of the Whole may postpone a request for recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Are there any amendments to the joint resolution?

Mr. MEEHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this has been a very interesting and lengthy debate about the first amendment implications of spending limits, and I thank the gentleman from Texas (Mr. DELAY) my colleague from Massachusetts (Mr. FRANK), the gentleman from California (Mr. CAMPBELL), the gentleman from Maine (Mr. ALLEN) and the gentleman from Virginia (Mr. SCOTT) for all of their input into the constitutional implications of spending limits.

But, Mr. Chairman, let me make one thing very, very clear. The Shays-Meehan bill does not include spending limits. I have a sneaking suspicion that reform opponents have contrived a debate here today that is nothing more than a red herring. Their message is that any campaign finance reform is impossible without amending the United States Constitution, and nothing could be further from the truth.

According to the eminent constitutional scholars such as John Miekeljohn and Thomas Emerson, the core principle underlying the first amendment is that voters should have the ability to tap into the vast marketplace of ideas so they can draw their own conclusions about political issues and candidates.

Nothing in the Shays-Meehan legislation precludes their ability to do that. In fact, I firmly believe that the bill would enhance political dialogue by increasing disclosure.

Now, Supreme Court decisions have affirmed that reformers stand on solid constitutional ground when we argue that campaign finance reform and first amendment rights are not mutually exclusive. The Court has repeatedly recognized that Congress possesses a broad ability to shield the political process from corruption and the appearance of corruption.

In the landmark case of Buckley v. Valeo, the Court ruled that Federal contribution limits ''do not undermine to any material degree the potential for robust and effective discussion of candidates and campaign issues by individual citizens, associations, the institutional press, candidates, and political parties.''

More recently, in 1989, the United States Supreme Court reaffirmed that position in Austin v. Michigan State Chamber of Commerce, ruling that the current ban on corporate treasury contributions and expenditures serves to combat ''the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of corporate form * * *''

It is clear to me and the majority Members of this Congress that support the Shays-Meehan bill, that it is time to move forward with this debate. Legitimate constitutional concerns must be addressed, but the first amendment shell games should not be used any longer to postpone debate on reform any longer than they already have.

Let me also state that tomorrow marks an anniversary. It is the three-year anniversary that the Speaker of the House and the President of the United States met in New Hampshire and shook hands in agreement to get real comprehensive campaign finance reform to a vote in this Chamber. The three-year anniversary. Can my colleagues imagine? It has been three years and we still have not had a vote on a comprehensive, bipartisan, bicameral McCain-Feingold Shays-Meehan campaign finance reform legislation.

Tomorrow morning when we take the well, it will be an anniversary of sorts. I would encourage Members from both sides of the aisle to come to this well and mark that third-year anniversary with a renewed call for a vote on campaign finance reform. The public has had it. This vote is long overdue. Let us mark this anniversary with a vote on real campaign finance reform and pass the Shays-Meehan bill.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise tonight in opposition to the amendment. The Supreme Court has spoken very clearly. Limits on money spent in elections in certain cases are limits on free speech. We have heard the references to Buckley v. Valeo. The Supreme Court stated very clearly that spending money in the political process in most cases equals free speech, and the bottom line of what we are discussing here today is free speech.

Now those who would want to say that we are trying to combine free speech with big money, it just simply does not wash. I know in my own personal campaign, the average amount of my contribution was $30, yet I had millions dumped in against me and it was uncontrollable. Uncontrolled, and no one had to disclose.

What I am asking, and what we are asking for here ultimately, is let free speech reign but let the voters understand that they have the right to have every penny disclosed that is contributed or is accepted in a campaign.

I think it is very clear here what the bottom line is, the reason why this amendment was even drafted. Let us look at this again coming from the gentleman from Missouri (Mr. GEPHARDT) printed in Time Magazine, February 3, 1997. ''What we have here is two important values in direct conflict: Freedom of speech and our desire for healthy campaigns and a healthy democracy. You can't have both.''

Now, I think that lays it out pretty clearly. You cannot have both. So what do we peel off? We peel off free speech so we can have healthy campaigns in their definition. There are no healthy campaigns. There is no free press. There are not freedoms without free speech.

Mr. Chairman, how do supporters of this so-called constitutional amendment defend this? They say that they are only trying to balance conflicting values. Right. Give us a break.

Many tried to argue that we need to restrict free speech because they believe that money buys elections. Well, let me remind them that the results of the California primary last week proved that money does not buy elections and, in fact, the high profile candidates who dumped millions of dollars out of their own pocket into Statewide races were turned away empty handed.

What the lessons are that we can take from these results is that money does not decide elections, the informed voters in America decide elections. And that is what we need to focus on, making sure that American voters are fully informed.

Unfortunately, many people still do not trust the American people to make wise decisions. Despite the repudiation of the ideals of big government, my liberal friends continue to search for ways to place restrictions on the freedoms of the American people. Their answer to moral decay and the breakdown of the family is to step in and take prayer and the Ten Commandments out of our schools. Their answer to a struggling economy and unemployment is to take more money away from families and create more paperwork for bureaucrats. And their answer to illegal campaign contributions and possible foreign influences in elections is to change the Constitution to restrict the political participation of Americans and free speech.

Do they not get it? It is printed right here, a direct quote from the gentleman from Missouri. That is the bottom line of this debate.

The fact is that well-intentioned liberals in previous Congresses passed reform bills in 1974, and the result has been an increase in the strength of PACs and an increase in the amount of fund-raising that politicians are forced to do. The answer is not to close off more avenues of free speech.

The ACLU and the late Supreme Court Justice Thurgood Marshall, two voices normally aligned with those supporting this amendment, have made very clear statements on this issue. In the words of Justice Marshall he said, ''One of the points on which all members of the Court agree is that money is essential for effective communication in political campaigns.''

The ACLU, a bastion of liberalism, said that H.J. Res. 119 is vague, overbroad and it would give Congress a virtual blank check to enact any legislation that may abridge the vast array of free speech and free association rights that we now enjoy.

☐ 2100

I happen to agree with the ACLU on this issue. Unfortunately, the proponents of H.J. Res. 119 disagree.

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

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

Mrs. CHENOWETH. Mr. Chairman, let me remind Members again of their views on free speech and healthy campaigns and a healthy democracy. They said it right here. They say, we cannot have both. And what we are hearing today in this amendment is, we peel off free speech.

We just heard the distinguished gentleman from Illinois quote Abraham Lincoln, when Abraham Lincoln asked, at a very poignant time, a very important time in this Nation, how long can we endure, how long can we endure with the freedoms that we do have.

We must endure and we must protect those freedoms and then this Nation will remain free. The Constitution's authors trusted the people of this great Nation to make well-informed decisions about their lives and about their representatives, and I trust the people. Unfortunately, some Members still do not trust the American people to make the right decisions and they do not trust that they are well informed in this free society.

I ask that we defeat this amendment, H.J. Res. 119.

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

Mrs. CHENOWETH. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Chairman, I would like to ask the gentlewoman, we have had about 25 years or so of extensive Federal regulation of our campaigns and yet things seem to have gone from bad to worse. Would the gentlewoman care to share her opinion as to why we seem to have have ever-increasing problems despite all the massive regulation that has been in the law?

Mrs. CHENOWETH. Mr. Chairman, it seems very clear to me, we have been trying to put the solution in the hands of the bureaucrats instead of letting the solutions rest with the well-informed electorate. When the electorate understands who is trying to give an inordinate amount of money to political candidates, they always respond. They respond negatively to anyone who gives the appearance even of allowing themselves to accept an inordinate amount of money.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the last word.

Mr. Chairman, 200 years ago our Nation was founded with the principle that people would be chosen to represent based solely on the quality of their character. Those times have changed, but I think that ideal should remain the same. Obviously, it has not.

If you leave the Cannon House office building and take about 110 steps, you will find yourself at the door of an exquisite building with marble floors, beautiful red carpets that I visited on several occasions, and it is the Republican National Committee.

If you go a few hundred more steps, you will find a much uglier building that is not near as nice, but it is the Democratic National Committee. But they both exist for the same purpose. They raise money and they pedal influence.

I am not here to defend that system. I am here to change it.

I think it has gotten to the point where, and I think it can be proven, 95 percent of all congressional elections are won not by the best man but by the person who raises the most money.

Even now, as there is an open race in my home State of Mississippi, if people ask me who I think will win, I will tell them the name of the guy, a very nice guy by the name of Ronnie Shallison, and both Democrats and Republicans alike, the very next sentence out of their mouth is, but who is raising the most money. You see, that is what it has become in this town. Not the best person, not the person who wants to make our country, to keep it the greatest Nation on earth, but the guy who can make and raise the most money.

Some Members in this room will try to tell you that that is good. I am here to tell you that that stinks.

There is another system out there that we keep talking about, but maybe it has not been explained to the American people. It is called soft money. If you as an individual want to contribute to a candidate, you are limited by law to $1,000. If your spouse wants to give $1,000, that is okay. If your kids wants to give $1,000, that is okay. It is all reported.

If you belong to a political action committee like the NRA or the National Right to Life, that group can give a candidate $5000. But if a PAC or a wealthy individual or an Arab oil sheik or whoever wants to give $100,000 to a candidate, they can go around that law by giving it to either the Democratic or the Republican Party, and then that party writes a check for $100,000 to the candidate and it is perfectly legal. And some Members tell you in this room that is right. I am going to tell you, that is wrong.

There is another process out there called independent expenditures. Once again, you as an individual are limited, but if an organization or, once again, an incredibly wealthy individual who has got a personal axe to grind wants to spend $1 million against a candidate or $10 million against a candidate, he can go straight to the television station and he can go straight to the radio station, he can go straight to the newspaper, he can spend all he wants, he can say anything he wants, and some folks call that free speech.

Well, if all you do is cater to the rich folks, yes, it is free speech. But what happens to the average Joe who cannot raise $1 million and who cannot squander that kind of money. See, I visited both of the headquarters. The only average Joes I saw there and the only poor folks I saw there were working there. They do not have much of a voice in this town, and they do not have much of a voice in this town because money talks.

So if you think that is right, vote not to change a thing. But if you think that is wrong and that this corrupt system is threatening the very democracy that all of us swore to uphold and defend, then let us have a real debate and let us close some of these loopholes, and let us see that the people can run for Congress and have a fair chance of getting elected, not because they raised the most money but because they are the best person, they have the best character, and they want to do the best things for our Nation.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the Gephardt amendment. While the gentleman from Texas, the majority whip, and I have different views on some of the reform proposals before this House, I think we clearly agree that this constitutional amendment poses a dangerous threat to our liberties.

William Gladstone praised the United States Constitution as the most remarkable work known to man in modern times. Henry Clay, in a speech to the Senate in 1850, said the Constitution was made not merely for the generation that then existed but for posterity. And it is with that high regard for the Constitution that we begin this debate on campaign finance reform.

The gentleman from Texas knows that it is not necessary nor prudent to amend the Constitution in order to accomplish reform. For that reason, I and others have opposed this amendment. While we are in total agreement that the Constitution should not be amended in this fashion, there is a respectful disagreement on the compatibility of campaign finance reform and the Constitution.

I believe that you can summarize three different prevailing approaches to campaign finance reform today. The Supreme Court, luckily, 22 years ago has commented on each approach. Let us examine these.

One approach is for full disclosure. Let us remove all limits and let us just disclose everything. The Supreme Court understands why that might not be a good idea and said that Congress has a right and authority to require more.

A second approach is to impose spending limits, let us take money out of the system. And the Supreme Court has in fact ruled that unconstitutional and that an abridgment of political speech. I reject that.

Then there is a third approach, and that is the approach of the freshman bill, the Hutchinson–Allen bill to put reasonable limits on contributions which the Supreme Court says meets the test of free speech. The case that is most often cited, many times referred to tonight, is Buckley vs. Valeo.

In that case, the Supreme Court of the United States, after reviewing the improper influence of big money in the 1972 presidential campaign, said that it was constitutional and consistent with free speech to put limits on campaign contributions, not limits on campaign spending, and that is the distinction, but restrictions on large campaign contributions.

The Supreme Court described the appropriate limitations and approved the limitation of $1,000 per individual and, of course, corporate and labor union contributions had already been approved as appropriate to be banned. However, as has previously been described, there is the loophole of soft money, and everything worked fine until the loophole came through that those contributions that were illegal, if

given individually to a candidate, were permissible through the political parties and went to the benefit of the candidates.

That loophole did not exist when Buckley vs. Valeo was decided by the United States Supreme Court. Despite the Supreme Court's ruling, there are those who want to remove all campaign contribution limits and allow anyone, whether individual or special interest group, to pour as much money as they want into the political system. In other words, let the good times roll, as long as there is full disclosure.

Let me read to you what Buckley vs. Valeo, the Supreme Court, said about disclosure:

While disclosure requirements serve the many salutatory purposes intended, Congress is surely entitled to conclude that disclosure is only a partial measure and that contribution ceilings were a necessary legislative commitment to deal with the reality or appearance of corruption inherent in a system. And so more than disclosure is appropriate. And today we conclude that disclosure is not adequate, that we need more in our system.

The second view of reform today that we have talked about is that we ought to restrict spending limits, and that clearly is unconstitutional, as the Supreme Court has said. And I reject that view.

So the Supreme Court has given us some guidance in all of this, but I believe it comes down to the third approach that I have talked about, the freshman bill, the Hutchinson–Allen, because it respects the rulings of the United States Supreme Court.

This bill does not violate the first amendment because it does not try to regulate campaign spending. The freshman bill reduces the influence of big money contributions in American politics and strengthens the voice of the individual. That is what is important.

The freshman bill adopts that third approach to campaign spending, an approach that addresses the worst abuses in our system, and yet it is consistent with the first amendment.

In fact, the Supreme Court has said that the overall effect of contribution limits is merely to require candidates and political committees to raise funds, and this is important, this is a quote, to raise funds from a greater number of persons.

We do not want to restrict campaign spending. We want to make sure that we raise money from a broad spectrum of people that strengthens the role of the individual. In other words, by saying that the Loral Corporation or the tobacco companies cannot give their millions of dollars to political parties is consistent with the first amendment.

The CHAIRMAN pro tempore (Mr. WATTS of Oklahoma). The time of the gentleman from Arkansas (Mr. HUTCHINSON) has expired.

(On request of Mr. DELAY, and by unanimous consent, Mr. HUTCHINSON was allowed to proceed for 5 additional minutes.)

Mr. HUTCHINSON. Mr. Chairman, whether the Loral Corporation or other companies give their millions of dollars to political parties, it is consistent to ban those contributions, it is consistent with the first amendment.

It does not limit free speech and it has the beneficial effect of strengthening the role of individuals in our political process. That is why I urge my colleagues, along with the gentleman from Texas, to reject this constitutional amendment before us today and to support campaign finance reform that tells the homemaker, that tells the factory worker, that tells the voice of grass roots America, your voice counts in American politics. The freshman bill does that. If you support empowering individuals in the role of our government, then you will support the freshman bill.

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

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

Mr. DELAY. Mr. Chairman, I compliment the gentleman for his approach in trying to protect freedom of speech at the same time trying to regulate campaigns. The gentleman was chairman of the State party in Arkansas. He takes a much more evenhanded approach than the Shays-Meehan approach, and I applaud him for opposing the Gephardt constitutional amendment.

The difference between the gentleman and myself is the gentleman wants to use regulators and bureaucrats to regulate. I want the people to make the decision, my constituents to make the decision, not a Washington bureaucrat. But the gentleman from Mississippi would not yield to me. So I want the gentleman, since he was a State party, I was shocked to hear the gentleman from Mississippi say that the national parties, both Republican and Democrats, exercise undue influence on elected officials that represent their parties. That is shocking to me, that the gentleman would even think of such a thing.

□ 2115

In fact I think in the gentleman's bill, he does not restrict campaign contributions or moneys going to State parties.

Mr. HUTCHINSON. Mr. Chairman, reclaiming my time, let me respond to the gentleman. I was a State party chairman in Arkansas. I think it is important that we do not federalize all of the State elections and all of the State campaign processes. For that reason, the freshman bill does not regulate the States in every aspect.

The gentleman from Texas did point up that there are two different philosophies. One is a regulated fashion, and one is just simply disclosure. I talked about that. That is an important distinction. I have thought about that philosophically. One way is to just have full disclosure. I do not believe we can move in that environment, where political action committees can give a million dollars, where corporations can give a million dollars, where individuals can give a million dollars. I do not believe disclosure can overcome that enormous influence of big money. The court has said that appropriate contribution limits are reasonable and constitutional. He can call it a regulated environment if he wishes, but I think we need rules in our society that recognize the importance of free speech, recognize the importance of the first amendment to the Constitution, but at the same time tries to make sure that everyone has a voice in our democracy, a voice in our freedom, and a voice in the political process.

Mr. DELAY. Mr. Chairman, if the gentleman will yield further, I do not disagree with the gentleman's intent and his good intentions, but it does strike me as odd that the gentleman from Mississippi was making the point that money is the root of all evil and money elects people.

We just had a primary in California where one candidate spent $40 million of his own money, another candidate spent $20 million of her own money, and both candidates lost to the person who spent less than $10 million of other people's money. So this notion that money buys races has been disproved time and time again.

Mr. HUTCHINSON. I thank the gentleman. That is a very good point. I reject the idea that money always controls in politics. In fact in my campaign, I spent $100,000 less than my opponent and I won. We can cite many examples of that. I do not think necessarily that when we have contributions to political parties that there is always corruption. But let me ask the gentleman from Texas, and I think he would agree with me, that whenever $600,000 is given by the Loral Corporation in soft money to the Democratic National Committee which is followed by a waiver of the transfer of technology to China, that that is a legitimate concern by your constituents, that they are concerned about that and the influence of that money, which is soft money, does the gentleman agree that there are people in his district that are concerned about the propriety and the appearance of a quid pro quo of getting something in exchange for $600,000?

Mr. DELAY. I hate the appearance. If the gentleman would yield further, I would just say that through disclosure, then my constituents, not some bureaucrat in Washington, D.C. can express themselves through elections and other means as to their feelings, as to the connection of $600,000 by Loral connected to a waiver to sell the Chinese certain information. That is for our constituents to decide, not a regulated bureaucracy.

Mr. HUTCHINSON. That is the difference in philosophy, whether disclosure is enough. We all know that $600,000 is transferred, but the appearance of impropriety is still there. The

appearance. That is the concern of the American citizen. That is why I believe the freshman bill is appropriate. I ask for support for that and rejection of the constitutional amendment.

Mr. BLUNT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to talk for just a few minutes tonight about the amendment itself. I came over here to encourage opposition to the amendment and as I listened to the debate, nobody is for it and so maybe I do not need to do that, but I would like to review why this amendment was introduced and what it would have done.

I think I heard that the sponsor, the gentleman from Missouri, was going to vote ''present'' on this amendment. I heard the cosponsor, the gentleman from Massachusetts, say that he was no longer for the amendment and it should have taken more time in the committee process and the amendment that they had drafted was not the amendment that he could support today. But I have a letter here that the whip has already referred to that was sent out February 7, 1997 that encourages support of this amendment.

It says, ''The current explosion in third-party spending is beyond our ability to legislate.'' It says, ''Legislating where we have constitutional authority to do so is necessary.'' Then it says, ''This amendment is necessary beyond that.''

It also says that this amendment would not only allow the Federal Government to regulate spending in Federal elections and set spending limits, it says this amendment would allow State governments to regulate spending in State elections.

So suddenly we move not only beyond what controls Federal elections but now we have decided we are going to see what we can do to control State elections as well as we would with this amendment. This amendment, as proposed, says to promote fair and effective functioning of the democratic process with respect to elections for Federal office and States.

This is not just an amendment that the gentleman from Texas made up and brought up here today. It is an amendment that was filed. It was an amendment that the authors at the time said was necessary to solve the problem of money in politics and that the way to solve that problem was this amendment that would allow the Congress to regulate contributions, would allow the Congress to regulate speech.

The gentlewoman from Idaho has mentioned that quote at the same time that the letter was circulated to our colleagues who were here in 1997. That quote was that we have two important values in direct conflict, freedom of speech and our desire for healthy campaigns and a healthy democracy. Then it says, ''You can't have both.''

You cannot have both free speech and healthy campaigns? I think that is out of Time magazine, February 1997. And so this amendment would be necessary to do the things that today we are saying can be done in legislation.

In February of 1997, two attorneys, two constitutional scholars, two leaders in the House, said this could not be done with legislation; that in fact it would take a constitutional amendment to limit third-party spending; that you could not legislate that under any authority we had at that time, that it would take this amendment to legislate that. And what did this amendment do? This amendment decided in the balance between free speech and what the sponsor calls healthy campaigning that free speech would be what would have to go.

This amendment is designed to create a hole in the Buckley v. Valeo case. This amendment is designed to do what that case says you cannot do. The Buckley v. Valeo case said you cannot limit spending, so we come up with a constitutional amendment that addresses that very decision and says, no, you can limit spending if we go ahead and resolve this conflict by limiting freedom of speech and saying to the Congress, you can limit spending.

Then again in that letter our colleagues received, it says that not only can we limit spending here, we will even allow the States to limit spending, allow the States to limit speech, allow the States to do what the Supreme Court has said they cannot do.

Amending the first amendment in this way would give Congress sweeping and unprecedented powers that it has never had before. If you can begin to limit speech, I think as the language of the amendment read, the language of the amendment said to limit speech in a way that the Congress did not feel would interfere with elections. What does that mean? How could you possibly do that?

The CHAIRMAN. The time of the gentleman from Missouri (Mr. BLUNT) has expired.

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

Mr. BLUNT. Then if the Congress later decides that they want to limit the speech of the news media, why could you not do that? Why could you not limit the coverage that news organizations give in the last days of the campaign? Why could you not require that they list their advertisers, list their owners, list all the information that the Congress might decide needs to be listed as part of the speech of the media?

This is an amendment that the sponsor said was necessary to do many of the things that the legislation that we will be dealing with in the next few weeks would do. But now nobody is for the amendment. The sponsors are not for the amendment. They are going to vote ''present.'' They are going to vote ''no.'' Nobody is for the amendment that only months ago was seen as a necessary element to do the kinds of legislation that we are talking about doing today.

Ms. RIVERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, allow me to reflect on inconsistency for just a moment. The majority whip just spoke with the gentleman from Arkansas, and he said, ''I appreciate your approach to this issue.'' But yet I have, ''And oppose the bipartisan gag order,'' the Dear Colleague from the gentleman from Texas that says, ''The Hutchinson freshman bill, H.R. 2183, violates the first amendment rights of citizens, citizens groups and political parties.''

The gentleman from Texas also said that he believed that constituents were very concerned with quid pro quo kinds of arrangements around fund-raising.

I turn to the Washington Post, Monday, November 27, 1995.

''See, you're in the book,'' DeLay said to his visitor, leafing through the list. At first the lobbyist was not sure where his group stood but DeLay helped clear up the confusion. By the time the lobbyist left the Congressman's office, he knew that to be a friend of the Republican leadership, his group would have to give the party a lot more money.

Inconsistency seems to be the order of the day. As I said in my earlier comments, it dogs the concerns that are being raised over and over about the attacks, supposed attacks on the first amendment. Why do I say this? Because those that are so strenuously arguing for a hands-off approach to the first amendment relative to campaign finance reform were in fact more than willing to reject the original language and intent of the Constitution when it came to the first amendment last week and religious freedom, to the first amendment previously regarding the flag burning amendment, to the first amendment previously regarding the Internet, and to the first amendment and individuals' rights to speech whenever we talk about any organization, domestic or foreign, that deals with the issue of abortion. Apparently our indignation around changes to the Constitution are situational.

I sometimes feel like Alice in Wonderland. We are considering a constitutional amendment brought to the floor by people who do not support it. That amendment is being discussed only by people who wish to defeat it. No one is promoting the constitutional amendment. Yet it is consuming the time of the other side. I said I feel like Alice in Wonderland. Like Alice in Wonderland, when the Cheshire cat fades in substance, his little smile is left. That is the hope around this debate, that when the words fade from the debate tonight, people will be left with this lingering concern that there is some sort of attack going on relative to the first amendment, and it is not true.

Why is it happening? I will tell you why. Because we are very, very close in this body to bringing change to the way we do business here, and that terrifies some people. That is what is driving this charade tonight. A consensus is building around Shays-Meehan. There is a bipartisan group that is

growing in this body. Good government groups across the Nation have endorsed it. Ethics organizations around the country have said that it is something that we have to do. We are poised to restore integrity to the campaign process in this country. Unfortunately that leads some people to frighten, to misinform, to mislead the public into believing that making our political system one we can trust requires us to amend the Constitution we love. It is not true. Shays-Meehan does not require a change in the Constitution. It is very clear.

When the bill was originally introduced, I had concerns about some provisions which no longer exist in the bill, and I sent the document out to legal scholars all over the State of Michigan. I asked for responses. Any of the concerns that I got back have been addressed in the current iteration. There is no one of any legal stature arguing that Shays-Meehan is unconstitutional. It may be that individuals have looked at this issue and they have a view on it, but it is not necessarily held by people who actually work with the Constitution and the legal system on a day-to-day basis.

I find this whole argument so far this evening to be extremely confusing. We have issues in front of us, plans in front of us that people want to talk about, people want to debate, people want to pass. But this side wants to spend all of their time talking about an amendment that no one is promoting. Why? Because they hope it will frighten people enough that they will reject all change. Do not give them what they want.

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

Ms. RIVERS. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, the gentlewoman spoke of inconsistencies and took a shot at the gentleman from Texas, and I just wanted to question her about the inconsistencies she called. First let me say I hope the gentlewoman will submit for the record all the legal scholars and the written opinions that she claims support her position.

The CHAIRMAN. The time of the gentlewoman from Michigan (Ms. RIVERS) has expired.

(On request of Mr. DELAY, and by unanimous consent, Ms. RIVERS was allowed to proceed for 5 additional minutes.)

Ms. RIVERS. Mr. Chairman, I would be willing to put forward any materials that I can put together if the gentleman would do the same and show me who he is relying upon for his conclusions.

Mr. DELAY. I did not make the claim.

Ms. RIVERS. Mr. Chairman, when I see his, I will give him mine.

□ 2130

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the last word.

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

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman yielding, and I noted the gentlewoman from Michigan takes a shot at the gentleman from Texas but does not want to stand her ground. She claimed that she submitted to all the legal scholars of the State of Michigan and not one legal scholar that she knows of claims our position to be the right position.

I just ask the question, has the gentlewoman from Michigan (Ms. RIVERS) talked to the ACLU, a group that the gentlewoman would probably like their kind of support? She made inconsistent statements, inconsistent statements that no one believes in our position.

Ms. RIVERS. Mr. Chairman, would the gentleman yield, because that is not what I said.

Mr. DELAY. Mr. Chairman, if the gentleman would continue to yield to me, I think it is ironic that the gentlewoman, who had over 5 minutes now, wants us to yield to her after taking shots at the gentleman.

So I just say there are no inconsistencies from this gentleman, particularly in light of the fact that the gentlewoman from Michigan raised the fact that the first amendment that I supported on religious liberty is an assault on the first amendment.

As my colleagues know, the gentlewoman and—well, I retract that. The party, the Democrat party, has for so long tread on the freedoms of Americans that they cannot even understand, understand that when we are trying to pass a constitutional amendment to enhance the first amendment and enhance freedom, and here we are trying to defeat an amendment brought by the gentlewoman's own minority leader that is trying to destroy the first amendment, there are two very clear, consistent approaches to amendments to the Constitution.

(On request of Mr. DELAY, and by unanimous consent, Mr. PETERSON of Pennsylvania was allowed to proceed for 3 additional minutes.)

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

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Colorado.

Mr. MCINNIS. Mr. Chairman, I ask the gentleman from Texas, I was interested in the gentlewoman's comments from Michigan and wondered if he had an idea of the political contributions that this particular individual had?

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

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I have no idea.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the last word and oppose the Gephardt-Frank-DeLauro constitutional amendment and any proposal that would limit free speech.

The Buckley decision recognized that campaign finance restrictions proposed severe constitutional concerns because they limit the ability of individuals to advocate candidates and causes in the public forum and require government monitoring and control of political speech activities. Overturning Buckley would cut to the heart of our democratic system by empowering Congress and the States to severely restrict the ability of individuals and groups to communicate their views about candidates and causes if such advocacy were in any way in support or in opposition to a candidate for Federal office.

Overturning Buckley through this constitutional amendment raises many more questions than it answers. The sponsors would grant to Congress the abilities the Supreme Court held the first amendment denied, legislative control over the regulation of campaign finances. Since the common purpose of the proposals is to carve out an exception to the first amendment principles announced by the Court, against what baseline would such legislation limiting contributions and expenditures be measured, or would Congress and the States have largely unfettered discretion to dictate the nature, scope and enforcement of campaign legislation?

What about the press? May news coverage or editorial endorsements be considered contributions or expenditures in support of or in opposition to favored and disfavored candidates? Now, there are times I would like to have those overruled or disallowed. Right now the Federal Elections Commission specifically exempts from the defining definition of expenditure any news story, commentary, or editorial distributed through the facilities of any broadcasting organization not owned by a party.

I think what we really need to be careful about is any proposal, this proposal or any proposal we consider limiting free speech. What about those who are concerned of child pornography and want to raise money and speak against it and support candidates who will do something about it? What about those who have a concern for drunk driving? Mothers Against Drunk Driving; should they be limited in their free speech? How about those who want drug-free schools and want to deal with drug addictions and drug abuse? Should they be limited to free speech when in the process of electing people? Those who are opposed to the expansion of gambling; many of us feel that gambling is a tax on the poor, but there are those who want more gambling. Should they be limited to free speech? I do not think so. Those who are concerned about teen smoking? I have read lots of ads today about teen smoking. I am not opposed to those. Partial-birth abortion. Should people be limited in speaking out against this horrible crime that is going on in this country, partial-birth abortions? For the right to bear arms,

should we be limited for those who believe in the right to bear arms?

These are the issues that inappropriate legislation will inadvertently control, and I think we must be very careful. Should we trust future Congresses and State legislatures to determine who and what issues can be discussed? And how much money can be spent?

I happen to come from a State that has no limits, Pennsylvania. Campaign finance reform is not an issue for the State of Pennsylvania because while most of the money comes from people, people give checks, people give money to campaigns, soft money is not a big issue there because people give the money, and people are disclosed, and if my colleagues accept money from somebody with bad character, they are considered someone who they are not going to support in the election process.

This amendment would give Congress, the States, the rights to regulate the press and could limit the right to commentary. Do we want to do that?

In conclusion, I would like to just share with my colleagues from the Washington Times: ''This is not so much an amendment to the Constitution as an assault on it. The Founders, in their concise wisdom, said that Congress shall make no law abridging the freedom of speech. There was no wiggle room, nothing ambiguous, and even so, the effort to find the exact practical boundaries of the first amendment had been one of the richest, most contested practical bound areas of the law.''

Imagine, if my colleagues will, what would happen if a pernicious and expansive ambiguity were introduced in the first amendment. Imagine the free-for-all we in Congress would have given the power to regulate political speech, bound only by the obligation to be reasonable about it.

The Gephardt amendment would trash the Constitution and the guarantees of free speech, and I think this House better be very careful with a lot of pieces of legislation that have been introduced that in my view, if not changed, will limit the right of people to fight against pornography, to fight against drunk driving, to fight against teen drug abuse, to fight against expansion of gambling, teen smoking, partial-birth abortions, the right to bear arms, and on and on. Those are freedoms that go to the heart of this country and should be talked about in the process of electing candidates at the State and national level, and we should not inhibit that, and we must be careful because in my opinion many of the bills, as written, do just that.

Mr. ALLEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the longer this debate goes on tonight, the weirder it gets. If my colleagues listen to the last few speakers here, some might think that we are engaged in a great legislative debate to defeat a constitutional amendment that required all of the resources of this body to come in here and debate and defeat. We would not even be discussing this amendment if the majority whip had not brought it to the floor. Almost everyone who has spoken here tonight is opposed to this amendment.

This is not a debate about this particular amendment. The Committee on Rules in this case brought to the floor the freshman bill, the Hutchinson-Allen bill, H.R. 2183. The Committee on Rules of this House authorized 11 substitutes to that piece of legislation. This amendment was not one of them. The Committee on Rules authorized hundreds of amendments to this particular piece of legislation. We have plenty of opportunity to discuss campaign reform.

Instead, the majority whip, the gentleman from Texas, brings to the floor a proposal that is a constitutional amendment that no one, the author himself, did not offer; and we are here, in his words, trying to defeat an amendment that we would not have to defeat if it had not been brought to the floor.

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

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

Mr. DELAY. Mr. Chairman, I hope the gentleman did not misspeak. He said that the minority leader did not author the constitutional amendment. Did not the minority leader author this constitutional amendment?

Mr. ALLEN. He did not offer it to the Committee on Rules.

Mr. DELAY. The gentleman said offer it. I stand corrected.

Mr. ALLEN. It is not author; offer.

But what is going on here is real simple. The debate about this constitutional amendment is an attempt to drag a red herring across this whole debate, it is a chance to confuse big money and free speech and to defend big money in the name of free speech. And the analysis put forward by the gentleman from Missouri a few minutes ago had everything to do with expenditures, about expenditures and the constitutional problems of regulating expenditures.

Well, there is a problem. The Shays-Meehan bill does not regulate expenditures. It deals with contributions. The Hutchinson-Allen bill does not deal with expenditures, it deals with contributions. Both of these bills are constitutional. It is constitutional to enact a soft money ban, it is constitutional to regulate issue advocacy.

This debate is a fraud. It should stop now.

Mr. MCINNIS. Mr. Chairman, I move to strike the last word.

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

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

Mr. DELAY. Mr. Chairman, I do not understand how the so-called reformers do not want to debate the issue. They make incredible statements on the floor of the House, then yield back and do not want to debate. They claim that this leadership of this House does not keep their word in offering open and fair debate. We are going to have the most open and fair debate on this issue that my colleagues can imagine. Yet they do not want to debate because they do not want to look at the issues of free speech versus regulated speech, free speech versus stopping Americans from exercising their constitutional right.

I was just going to ask the gentleman from Maine about the fact, and I have an USA Today article here dated Monday, September 30, 1996, and I do not blame the gentleman, I congratulate him; he got elected. But in this article it says the AFL–CIO has spent more than $500,000 on a series of television ads criticizing Longley, the gentleman's opponent in the last election, votes on Medicare, student loans and private pensions. The ads have helped make Portland the political advertising capital of the Nation. The gentleman from Maine (Mr. ALLEN) was the total beneficiary of this $500,000, yet he has the audacity to stand up on this floor and talk about the corruption created by big money expenditures especially when they have been made on his behalf.

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

Mr. MCINNIS. Mr. Chairman, I control the time, and I will yield if I can get unanimous consent to continue for 5 minutes after the gentleman concludes.

(By unanimous consent, Mr. MCINNIS was allowed to proceed for 5 additional minutes.)

Mr. MCINNIS. Mr. Chairman, I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Chairman, the brief answer is labor. Whatever ads the AFL–CIO ran in my district were legal, they were accurate, and they were part of this debate.

As we know, all of us who were involved in the 1996 elections, there was a great deal of outside money on all sides. In my particular district in the last month of the campaign there were no AFL-CIO ads. There were, however, a vast number of ads run by the Republican National Committee.

The truth is, I say to the gentleman from Texas (Mr. DELAY), that in the last 3½ weeks, I will be exactly specific, there were no AFL–CIO ads run against my opponent. There were, however, up to $50,000 a week of ads run by the Republican National Committee.

This is a democracy. These outside ads are constitutional. It is entirely proper that they be run. The important point is that neither Shays-Meehan nor the Hutchinson-Allen bill would prevent these ads from being run. It is perfectly appropriate to have that kind of discussion.

☐ 2145

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

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

Mr. DELAY. Mr. Chairman, I am glad the gentleman is now ready to debate through this gentleman's time, because he would not take his own time to yield to me, but I just ask the gentleman once again, the gentleman, before the September that he is talking about, received benefits of over $500,000 from AFL–CIO, spent on him or against his opponent all the way through to September 15. There was more money spent past then, some claim to be almost over $1 million, spent by the labor unions, attacking his opponent. Then the gentleman admits to a huge amount of money being spent in the last 3 weeks on his behalf, independent expenditures.

Yet I am just asking the gentleman, does the gentleman approve of that kind of expenditure, or does he not? Obviously he does not, because he now wants to support Shays-Meehan and Allen-Hutchinson, that would limit the ability of outside groups to spend that kind of money.

Mr. MCINNIS. Mr. Chairman, reclaiming my time, I want to stand here and tell the gentleman, I think the key to campaign reform is disclosure. I know the gentleman earlier talked about the Loral situation, which, in my opinion, is a corporation that ought to hold its head in shame for what occurred. But, you know, no campaign brought that out. None of these do-gooder bills, in my opinion, brought that out.

What brought it out was disclosure. The newspapers got hold of it. If you want better campaign in this country, require disclosure every Friday, and make us put it on the Internet. If somebody in my district gave me $100,000 and you found out about it on Friday, where do you think it would be in Sunday's newspaper? It would be the headline. It is disclosure.

I want to put everybody on this floor on warning, and want to be fair with everybody: Those of you on this floor who stand up, in my opinion, in somewhat of a hypocritical fashion and say, ''Let's ban soft money, let's stop the big money,'' and we heard big money from the previous gentleman, I am going to bring out, I have got your contribution reports here.

For example, the gentleman who just talked about big money, and I say this in due respect, he and I had a debate on C–SPAN, but I want full disclosure.

The gentleman from Maine (Mr. ALLEN), this is his report. In the last reporting period, $55,000 from PACs, $54,900. Page 1, PACs, 12 of them; page 2, PACs, 12 of them; page 3, PACs, 12 of them; page 4, at least 12 of them; page 5, at least 12 of them; page 6, at least 12 of them.

Let us talk about the gentlewoman from Michigan (Ms. RIVERS), who was the previous speaker. The American Trial Lawyers Association, $10,000; the United Steel Workers Union, $10,000; the Education Union, $10,000; Teamsters Union, $10,000; United Auto Workers, $10,000; Human Rights Campaign, $10,000; Machinists, $10,000; American Federation of State, County and Municipal Employees, $10,000.

I just want everybody to be on notice, when you stand up here and talk about the corruption of big money, you had better check your own contribution list. I do not think it is corrupting. I think disclosure saves that. I think disclosure lets the voters make their decision. And if you are going to stand up and act like ''holier than thou,'' I have this book.

You can disclose mine, I am not ashamed of any one of them. But I want to make sure the American public as they see this debate know exactly where you got your money. So if you allege this has corrupted it, you have some self-explaining to do.

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

Mr. MCINNIS. Mr. Chairman, I do not have the time to yield. I will not yield. I control the floor.

The CHAIRMAN pro tempore (Mr. WATTS of Oklahoma). The gentleman from Colorado controls the time.

Mr. MCINNIS. Mr. Chairman, the idea here is not for us to attack each other. That is not my intent. My intent is to, first of all, make sure that those of us speak with a true heart, number one; number two, that we have disclosure.

This is a rich man's game, if you let Shays-Meehan go through. If you let this freshman bill go through, it is a rich man's game. The very wealthiest people in this country can play.

Well, I am not wealthy. My dad owned a little hardware store. I raised some contributions. I work hard on raising money, because I know in my district I face the odds of having somebody wealthy run against me. I have to have that money. I have to be armed.

Do not eliminate the poor man, the working person out there that wants to run for political office. If you are worried about what they are getting in contributions, make them disclose it every Friday. Then if the voters do not like who they receive contributions from, let the voters vote no. Let the voters vote.

Some people underestimate the intelligence of the voters out there. Take a look at what happened as a result of disclosure in California to Mr. Checchi. The disclosure showed how many millions and millions and millions of dollars was going into that campaign. What happened, the people rejected it. They did not say he could not use the money. Of course the Supreme Court will protect him using his own money. Even the money contributed, they did not prevent that. In fact, what happened earlier, everybody, before the California reform was, by the way, thrown out because it was unconstitutional, people were concerned, how can anybody ever match Mr. Checchi's money?

It is disclosure that brought accountability and disclosure that will work for us. I intend to practice disclosure. If you or I hear people saying about how corrupt it is, how corrupt the people in this House are, how corrupt you are because you have to go out and raise money because you cannot write your own check, we are going to talk about that. Every one of those contributions we are going to talk about.

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

POINT OF ORDER

Mr. SHAYS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. SHAYS. Mr. Chairman, does the gentleman yield a particular amount of time under the 5 minute rule, or just yield blanket time? I just want to know for future reference as well. I apologize for interrupting. I want to know what the process will be. We are going to do this for weeks.

The CHAIRMAN pro tempore. While the gentleman from Colorado (Mr. MCINNIS) is standing on his feet, he may yield time.

Mr. SHAYS. Can the gentleman yield a particular amount of time, or just yield time?

The CHAIRMAN pro tempore. The gentleman just yields time.

Mr. WHITFIELD. Mr. Chairman, I thank the gentleman very much for clarifying that.

Mr. Chairman, all of us in 1996 have groups that came in and bought television ads for issue advocacy. In my race, the labor unions spent $850,000 on issue advocacy. I did not like that particularly, but I think they have the right to do that.

I find it quite disturbing that anyone would take the notion that you have a right to curtail the right of any group to buy television ads or radio ads or newspaper ads to talk about issues, even if it mentions a candidate by name, as long as they do not expressly ask for the defeat or the election of that candidate.

I would like to say more about this issue, but I appreciate the gentleman letting me get that comment in.

Mr. MCINNIS. Mr. Chairman, reclaiming my time, I see that my respected colleague from the State of Texas is next, and since she will be speaking after me, I would like to go through those political contributions.

The gentlewoman from Texas (Ms. JACKSON-LEE), 58 percent of her funds come from political action committees: $47,000, industrial unions; $41,000, unions; public sector unions, $34,000; transportation unions, $26,750. Let me get a little more specific. Communications Workers of America, $15,000; Teamsters Union, $13,000; Association of Trial Lawyers, $10,000; American Federation of County Municipal Employees Union, $10,000; United Steel Workers Union, $10,000; Laborer Union, $7,500; Food and Commercial Workers Union, $7,000; IBEW Union, $7,000; National Association of Retired Federal Employees, $7,000; United Auto Workers, $6,500.

I think this is very key. This is disclosure. Some people have no objection to that. Actually, I have no objection to it. I think disclosure does it. I just want to be up front where these contributions come from as we listen to the statements throughout this long evening.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have never come on the floor of the House and denied the ability of anyone to present full disclosure. In fact, I support full disclosure, and I am glad my good friend from Colorado has offered to give the record of my contributions, because I am glad to stand with the men and women of America, and particularly the working men and women of America. I hope to stand with them in this debate that we will continue, and also stand with all America.

This amendment that we have on the floor of the House at this time obviously is not a serious amendment. And I appreciate my good friend from Texas as well. I know that in many instances the gentleman comes with a great deal of sincerity. But this constitutional amendment is what it is, it is an attempt to frivolously treat the very serious issue of campaign finance reform.

We have a number of very valid legislative initiatives, one by the freshmen, one by Shays-Meehan, that are real campaign finance reform. My good friends on the other side of the aisle know that they are taking up the people's time and making this discussion. Why? Because they are asking for a constitutional amendment. It takes two-thirds vote in the House and three-fourths of the States that would be required to pass this amendment.

The reason why I came to the floor, not only to have the gentleman from the Committee on Rules recount for this body the contributions that I received legally, by the way, and we are all looking to ensure that we have a system that responds more to the people's needs than to this excessive counting of money, but I do not have a problem with disclosure. What I have a problem with is frivolity.

Mr. Chairman, if I can turn to the Speaker on this whole idea of campaign finance reform, that is why I know my friends on the other side of the aisle are taking up our time to frivolously discuss this issue, the Speaker, the very person who leads them, said, ''One of the greatest myths of modern politics is that campaigns are too expensive. The political process in fact is underfunded, it is not overfunded.''

So even for all he has recounted that all of us have received, his own Speaker says we need more money, more money, more money. So this is not a serious constitutional amendment.

I came to the floor of the House because we have a serious issue that should be discussed. My good friend the gentleman from Pennsylvania (Mr. PETERSON) started mentioning gun reform, and the gentleman started mentioning partial-birth abortion.

I want to mention tonight James Byrd, in Jasper, Texas, who was killed by hate crimes and a violent group. We are not discussing anything serious when we talk about a constitutional amendment for campaign finance reform. We know it is not going to pass.

Why are we not talking about a man who was picked up by men, and where he was beaten, chained to a truck and then dragged for 2 miles? Why are we not talking about someone whose torso was found on the edge of a paved road, his head and arm in a ditch? Why are we not talking about hate crimes? Why are we not talking about the tragedy that happened in Texas, that happened in Virginia, that is happening around this world?

Why? Because we want to come to the floor of the House and make fun of people, and try to act like we are making some progress on campaign financial reform. Mr. Byrd's family needs the country, this United States of America, to address what happened in Texas, to address the Klan, to address hate crimes. But, no, we are here at almost 11 o'clock at night talking about a constitutional amendment that means nothing, because it is going nowhere, because the very Speaker, the head of the party that they represent, has said, ''We are underfunded in campaign finance reform.''

I am sad that I have come to the floor of the House asking for some relief for the family of Mr. Byrd, some recognition of the tragedy that has occurred in Texas, and they can count on those of us who care to respond to this devastating, vicious crime.

That is what we need to be on the floor of the House discussing, not a frivolous constitutional amendment that is going nowhere, because if we wanted to be serious about what we are doing, we would move forward on the legislative initiative that is there already.

I would hope my good friend from Texas would join me in offering our sympathy to the Byrd family, but, as well, that we would be counted on to try to address the viciousness that has happened to this man's family, his dismembered body, only because of the color of his skin and because of the hatred that has been promulgated and promoted. I hope we all stand up against it.

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

Ms. JACKSON-LEE. I yield to the gentleman from Texas.

The CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

(On request of Mr. DELAY, and by unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 3 additional minutes.)

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I appreciate the gentlewoman yielding, and I, too, send my sympathy to the Byrd family in Jasper, Texas.

But the gentlewoman is calling frivolous her own minority leader's constitutional amendment, and she quotes the Speaker of the House on too much money. If the gentlewoman would hold it up again, I would like to read the quote again.

I guess the gentlewoman is not going to.

The gentlewoman says the Speaker says there is not enough money in politics. I would just ask the gentlewoman, what is enough money? Is the gentlewoman aware we spent in the Presidential and all elections last time, in 1996, $2.8 billion? That is less than the American people spend on potato chips. That is 1 percent of all the advertising in the country for products. And we are talking about the foundation of our democracy, our electorial politics. We spend 1 percent of all the advertising trying to convince the American people that you ought to be elected or I ought to be elected. What is too much?

☐ 2200

It is your time, and I just ask the question: How much is too much?

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming the time then, and I thank the gentleman very much. It was very clear, and I would be happy to emphasize the point. It says, in fact, it is underfunded.

I think that we can take the actual facts from what the Speaker says. It is underfunded. Is not overfunded. So the Speaker seems to be saying, if I can read the clear English, the black-and-white English here that says he wants more money.

What I am simply saying is that this constitutional amendment is not an amendment that is serious about campaign finance reform, realizing that we have serious legislative initiatives that Democrats have been asking time and time again to come to the floor of the House. Yet, we have a constitutional amendment that takes two-thirds of this body, three-fourths of the States, when States have their own individual campaign finance reform structures.

We are asking for Federal legislation that deals with soft money, that deals with PACs, that deals with issue ads. This amendment does not do so.

Might I just close by simply saying I came to the floor of the House to offer my deepest sympathy to the Byrd family and to ask this Congress, this body, to address the question of hate crimes in America and the vicious and horrible and almost outrageous tragedy that has happened to the Byrd family in Texas, my home State.

I am asking and pleading, let us stop this debate and deal with the crisis that we have in hateful and violative vicious acts in America simply because of the color of your skin.

Mrs. NORTHUP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am glad to have an opportunity to speak in opposition to

this constitutional amendment. This debate reminds us of just what this country is. It is a country full of people that have their own opinion. That is what has made it so great is that we have debated all of our opinions in public, and we have had vigorous debates that reflect our democracy.

I think from the last speaker we can see there is somebody that thinks this debate is frivolous, that this amendment is frivolous. Yet, our minority leader, the gentleman from Missouri (Mr. GEPHARDT), and the gentleman from Massachusetts (Mr. FRANK) realized what other reformers have failed to see; you cannot pass the current proposals of campaign finance reform without infringing on the constitutional right to free speech.

At the heart of each of the proposals is a muzzle on first amendment rights. They stated this in their ''Dear Colleague'' letter last year. So while one person that is a Member of the minority party thinks it is a frivolous amendment and not worthy of our time, their same party's minority leader believes that it is the core and the necessity of campaign finance reform.

I do not believe that we should infringe on the right of free speech. I do not believe that we should amend the Constitution. I think it served our country well that every group and every individual has an opportunity to express their ideas and their perspective in campaigns and outside of campaigns.

It scares me a lot to think that we would begin to change those rules, that we would begin to eliminate the ability for people to freely debate the issues that confront us in elections and confront this country.

The fact is that we spend $9 trillion in this country. We are the most powerful country in the world. There are a lot of people that believe it is worth their time and energy and money to influence the debate. What we need to do is make sure that all of the money spent is clear to the voters that it is reportable and that any law we pass is enforceable.

The reality is that we are not even able to do that today. We had an election in 1996, and there are all sorts of abuses and suspicions that crimes were committed in the course of that election.

The presidential election is the most closely reflective of what proposals today are for the congressional elections. Yet, despite those laws, what we have is probably the most flawed election in our history.

We cannot investigate it. We cannot trace the money. We cannot find people to testify. In fact, what happens in a system like that is the person that is most willing to abide by the law, that is the most careful to do exactly what the letter of the law requires, ends up the person least likely to win, the person the most disadvantaged.

Because when you push the money off the table, when you have people who want to influence elections that cannot do it through the legal process so that the American voters can watch and judge, what you do is create a system that invites the person most willing to abuse the system to do that for their own political advantage.

I am proud to have lived very carefully, not only technically, but within the spirit of the law in the course of my campaigns. I accept that I am in a very tough district and that I will probably have a tough campaign every 2 years. I accept the fact that I may lose.

What I do not accept is that we might go to a system where a person could step forward to run that would be the most likely to collaborate with independent expenditures off the radar screen and have the best advantage. I think that compromises the voters in my district and the voters all across this country.

Secondly, as soon as you start deciding the rules, you start deciding who wins and who loses, what groups are able to affect elections, and what groups are not.

I surely do not think those people that would support campaign finance would begin to restrict what newspapers can print on their editorial page. I have not seen that proposed. Yet, that is an independent expenditure. No one appoints them. No one asks them to be objective. No one enforces that objectivity.

In fact, you only have to live in my district to see what one editor can do that is not objective to understand the disadvantage that presents. But we cannot regulate that, and we are not going to regulate that, and I do not support regulating that.

The fact is that I have raised money for my campaign. I am proud that very little of my money has come from PACs, about 22 percent last time I checked. Most of my money comes from individuals. Almost all of it comes from my district. I raise money by going from one individual to another and say I am going to commit myself.

The CHAIRMAN. The time of the gentlewoman from Kentucky (Mrs. NORTHUP) has expired.

(By unanimous consent, Mrs. NORTHUP was allowed to proceed for 2 additional minutes.)

Mrs. NORTHUP. Mr. Chairman, what I am proud to do is go from individual to individual, many people who have never given to campaigns before, and say this is what I believe; can you help me?

My husband and I have raised six kids. We could not possibly fund an election ourselves. That is the Democratic process. Any laws that limit individuals from participating in campaigns and in elections and in free speech and in the debate of what direction this country is going in is a terrible opportunity to take away their opportunity to participate in a democracy.

I am tired of people saying that the whole system is corrupt. I believe in the system. I believe in this country. I believe in my colleagues. Not everybody agrees with any of us. None of us wins in a unanimous election. But I believe most of us abide by the laws.

We participate because we believe in a democracy. We believe the debate is good. I am sorry for those people who have decided to gain political advantage by implying to the American people that the whole system is corrupt. I do not know who they talked to or who they work with, but they are not with the people that I work with every day.

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think I am probably going to be one of the last people to speak tonight. I was over in my office preparing for the next issue we are going to be debating and listening to this charade that is supposed to be a debate on campaign finance reform, finding myself extremely embarrassed, embarrassed for the majority party, embarrassed for the people of this country, embarrassed that my colleagues would think people could listen to this and think they were serious; that they would bring before the House campaign finance not reform, but what they would call a constitutional amendment that they do not believe in, and then they would stand there and talk against the amendment that they brought forward.

I think my colleagues must think that the people of the United States of America are not very bright. They are wrong. The people will listen to this. They will know it is a ruse. They will know that what my colleagues cannot bear is to have us debate the Shays-Meehan bill, that they do not want to talk about doing away with soft money, that they do not care whether we have accountability with our issue ads.

At the same time, when somebody comes before us that speaks well, like my colleague, the gentlewoman from Michigan (Ms. RIVERS), and others, my colleagues bring forward those who have contributed to them and think that will embarrass us, think that because all they do is bring forward our labor contributors, to think that we are not proud to be supported by nurses and teachers and by truck drivers and electricians and the workers of this country, how dare they think that that would be an insult to us. We are proud of that. Those are the workers of the United States of America. Those are the people that also support campaign finance reform.

Let us get over with this this evening. Let us get started. Tomorrow is the anniversary of 3 years that the Speaker and the President shook hands on bringing campaign finance reform to the floor for a vote that will have real meaning on the people of this country so they can support and buy into our political system.

Mr. HILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have found this to be a very interesting and informative debate, and I find it kind of interesting to listen to my colleagues on the other side talk about this frivolous constitutional amendment that we are here debating tonight. I would have to say that ''frivolous'' is probably not the appropriate word to describe it. Probably ''threatening'' is the more accurate word.

What is interesting about tonight, our colleagues over there are saying that this is sidetracking the debate. But, Mr. Chairman, one of the things that is very interesting is last year the Senate also debated this constitutional amendment or one very similar to it, and 38 of the Members in the Senate of the other party voted for this constitutional amendment. This has been a serious proposal, a serious suggestion on the other side. I think it certainly is the wrong one.

I think the wrong idea in reforming our campaign finance laws is to limit free speech. That is why I am proud to be part of the freshman task force and a supporter of the freshman bill because it is the only one of the significant bills that deals with soft money that does not seek to restrict free speech. In fact, what it does is, it tries to create a balance so that everybody has an equal opportunity to speak out on the issues.

The soft money issue I think has people kind of confused because there are lots of different kinds of soft money. There is the soft money that our political parties raise. There is the soft money that people give to groups, right-to-life groups or environmental or conservation groups or organized labor dues. That is another form of soft money.

One of the things that the freshman bill tries to do is to create some distinction between those. It says that the parties cannot raise soft money and spend it anymore.

Why is that important? It is important because in 1992, the two parties raised about $35 million in soft money. By 1996, that number had grown to about $275 million. It is estimated that in 1998 it could be as much as $500 million. Some people estimate it could go to as much as a billion dollars in the year 2000.

The gentleman from Colorado spoke earlier and was criticizing Members who had received support from various groups, talking about the big money in politics. When people are giving hundreds of thousands of dollars, even millions of dollars a year in soft money to the political parties, that is really big money.

Do we want to know what, Mr. Chairman? The people who give that money do not even like being asked for that money. More and more of those groups that are being asked to fund the soft money of the political parties are saying we do not want to do it. These are not voluntary contributions in their views.

What we ought to be working for, Mr. Chairman, are competitive elections. One of the innovative things that the freshman bill does is that it allows parties to help its candidates with the hard money, the money that individuals give to make sure that, if an independent group attacks a person, that they have the ability to respond.

My friend from Colorado said that if the freshman bill passes, then politics is just going to be a rich man's game. The truth is just the opposite if the freshman bill passes, because the freshman bill will assure that every election can be a competitive election, because every candidate will have access to the resources in order to support their campaign.

There is a lot of difference between the Shays-Meehan bill and the freshman bill. The big difference is that the freshman bill does not seek to limit speech. It does not seek to limit the ability of independent groups to talk about candidates or talk about office holders. It does not seek to restrict the debate. It seeks to make sure that everybody can participate in the debate in an equal way.

□ 2215

That is the goal, fair and competitive elections. I would just urge my colleagues tonight to defeat this amendment for certain and also to support the freshman bill.

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to point out that a while ago there was some discussion about which groups were contributing to which candidates, and I do not think anyone on this side meant to diminish anyone for the contributions that they had received, or certainly not to diminish the groups that contributed. But I think that what we are speaking from on this side is that we want to guarantee the right of those individuals and those groups to be able to continue that free speech.

I think it is important that we remember that hard money is money regulated by the FEC. It is money that can be used to expressly advocate the defeat or the election of a political candidate. All other money is soft money.

It is interesting that most of these so-called campaign finance reform bills are designed not to cut back on or reduce the money spent by candidates for political office, but they are designed to prevent and reduce the money spent by so-called special interest groups.

What are special interest groups? Special interest groups are labor unions, teachers, right-to-lifers, prochoice, proenvironment, antienvironment. And why should any of those groups be denied the right to spend whatever money they want to spend to bring to the attention of the American voter the voting records of individual candidates, as long as they do not expressly advocate the defeat or the election of that candidate?

I, for one, commend the majority whip for bringing the Gephardt constitutional amendment to the floor. I do not think it is going to pass, but I think it illustrates the fact that the Gephardt amendment to the Constitution is very open in what it attempts to do, and that is that it attempts to diminish speech. It allows the Government, through some bureaucrat at the FEC, to determine what is too much, what is not enough, what is inappropriate, what can be done and what cannot be done.

Even the gentleman from Missouri (Mr. GEPHARDT) himself said, ''What we have here is two important values in direct conflict: freedom of speech and our desire for healthy campaigns. You can't have both.''

I would ask the gentleman, if he were here, what is a healthy campaign? What is too much money? I think it has been pointed out very clearly here this evening that the amount of money spent on campaigns by all candidates for Federal office in 1996 was a very minute amount compared to the money spent to advertise alcohol, soapsuds, detergents, toothpaste and all sorts of products that are manufactured throughout America.

Is it inappropriate for the American people to be fully aware of all the issues that they are going to be voting upon? I think that if the American people realized that this constitutional amendment that we are going to be voting on maybe tomorrow, that the Shays-Meehan bill and others was going to effectively limit their right to participate in the American political system, that they would be rightfully upset.

Buckley v. Valeo has made it very clear that free speech is a part, and an integral part, of the political system in America, and that we cannot limit the amount of money spent on these political campaigns. We cannot limit the amount that one individual can spend of his own money or her own money in their campaign.

As I said earlier, I find it quite ironic that all of these bills want to limit everybody's money that they spend for issue advocacy, but they do not want to limit the amount of money that the politicians spend in their campaigns.

As a matter of fact, some of these bills go so far as to say that during the last 60 days before an election, no one will be speaking except the candidates themselves or the news media. I do not want, particularly, to have a system that controls our political system in America that is controlled by the news media exclusively or even political candidates, because I think a vital part of our freedom in America guarantees the rights of any group to spend any money they want to to talk about issue advocacy.

Mr. SHAYS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am proud of many things. I am proud to be a Member of Congress. I am proud to be a citizen of

the United States. But I am not proud of our campaign laws. I have heard no one say our whole campaign system is corrupt. That is an absurdity.

I have heard some people say that parts of the system are corrupt. Parts of the system are corrupt, and I think we should change those parts that are corrupt. The system of campaign finance in the Nixon administration was corrupt, and I congratulate the Democrats and Republicans who reformed that system in 1974. It worked quite well for several years until people found a major loophole, and it was called soft money, the unlimited sums that individuals, corporations, and labor unions and other interest groups can give to the political parties for party building. These contributions, in a very pernicious way, got redirected to support candidates, not party building, totally subverting the campaign laws that worked quite nicely for 12 years.

Mr. Chairman, I am also proud of the fact that the last Congress passed the Congressional Accountability Act that got Congress under all of the laws that it had exempted itself from for more than 30 years. We did this on a bipartisan basis, I might add. I am proud of the fact that the last Congress banned gifts to Members of Congress on a bipartisan basis. I am proud of the fact that the last Congress on a bipartisan basis passed lobbying disclosure. We had not amended that law since 1946.

The gifts to Members of Congress had become corrupting. The lack of disclosure of lobbying had become corrupting. It had become corrupting that Congress thought it did not have to abide by the laws that it imposed on the rest of the Nation.

Sure, I am proud to be a Member of Congress. I am proud to be an American citizen. But when we see things wrong, we fix them. If we do not, we should not be very proud of our work in Congress.

I've come to the conclusion that soft money makes PAC contributions look saintly. The $262 million that the political parties raised in the last cycle will probably be doubled this year. It is a shakedown of business. I think most people know it. And if anyone wants access to either side of the aisle, they need to contribute or else they do not have access. That fits my definition of corruption.

We want to change the system. We simply want to ban soft money. We want to go back to the way it was after the law of 1974. Ban soft money. Ban the unlimited sums that individuals, corporations, labor unions and other interest groups can give to the political parties that is not being used the way it was supposed to be, for party building and registration. It went right back to candidates. Recently, $800,000 of soft money was spent in the special election in Staten Island. That wasn't party building.

Now, what we seek to do in the Meehan-Shays legislation, is ban soft money on the Federal level and on the State level for Federal elections. We also want to call the sham issue ads, that are clearly campaign ads, campaign ads. We do not limit people's voice. They speak through the campaign process.

We do not say 60 days to an election people do not have a voice. They have a voice. Candidates can raise PAC contributions and they can spend whatever they raise. Groups can run ads for candidates who are right-to-life, right-to-choice, anti-labor, pro-labor. But they cannot use union dues or corporate treasury money, because it is a campaign ad. We cannot do it under current law, and we want to strengthen the definition of campaign ads to make sure people do not use the union dues for campaign ads 60 days to an election, and do not use corporate money 60 days to an election. But union members can speak out through their PAC contributions spent on ads. Members who work in corporations and stockholders can influence the process through a PAC contribution spent on campaign ads.

We codify Beck. We improve the FEC disclosure and enforcement. We ban franking 6 months to an election. And we make it very clear that foreign money and fund-raising on government property is illegal. It is not illegal now. Hello. It is not illegal. It is soft money. Soft money is not campaign money. We had better fix it.

Now, some on my side of the aisle say, no, we are just going to hold President Clinton accountable for everything he has done, but we do not need campaign finance reform. Unfortunately, some on the other side of the aisle say we need campaign finance reform, but we are not going to hold our President and others accountable. We need to do both.

Democrats did it in 1974. They held President Nixon accountable for what he did. And they reformed the system as well. Believe it or not, the Vice President was right. There is no controlling authority. Soft money is not viewed as campaign money. We need to fix that.

Mr. DELAY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think we have had a pretty good start on a debate tonight. I wish some on the other side really wanted to debate this rather than just take cheap shots at people, because I think this is a very, very serious debate. We are talking about the most fundamental of freedoms that the American people have when we talk about limiting someone's right to speech and freedom of the press.

Let me try to put it in perspective. I think we are drawing to a close. But just let me try to put in perspective what I saw here tonight.

Where are we today? We found that in the campaigns of 1996, the Clinton administration, some unions, we are investigating the Teamsters right now, others may have violated the law in the ways that they collected campaign contributions, even from foreigners. To cover that up, the President's party and the leadership of his party in the House and the Senate decided that their biggest issue this Congress was going to be campaign reform and that they were serious about it.

In fact, the gentleman from Missouri (Mr. GEPHARDT) the minority leader, wrote a constitutional amendment splitting the first amendment, splitting away free speech so that he could control through government bureaucracies and Washington bureaucracies freedom of people's right to free speech through the campaign process.

I thought it was important and serious to bring the gentleman's constitutional amendment to the floor for serious scrutiny because the gentleman and the Democrat party of this House have been beating their chests for 2 years talking about campaign reform. They were serious, they said. They want an open and fair debate. They wanted to bring it down here and show the abuses and the corruptions of this House.

Mr. Chairman, I am here to tell my colleagues I know most of the Members of this House, Democrat and Republican, and I do not know of one of them that is corrupt. Not one. And I am going to warn the Members of this House, when anyone talks about corruption, I am going to ask the question throughout this debate for that person to name the Member of the House that is corrupt. If they claim corruption and campaigns are corrupt, then they should be able to stand here in this House and have the courage to name the person that they feel is corrupted by campaign contributions. That is serious.

I think it is very serious when some are so arrogant to come to this floor and propose legislation that says that they know better than my constituents about my fund-raising habits, my ability to raise campaigns.

Now, the gentleman who brought the amendment, the gentleman from Missouri (Mr. GEPHARDT), came to the floor of the House, raises more money than me. So anybody that starts attacking me about raising money, I hope that they will look at the gentleman from Missouri. In the last election he raised $3.2 million and spent $3 million.

☐ 2230

I salute him. I think that is wonderful that he has been able to raise that kind of money. No telling how much expenditures, independent expenditures were spent on his behalf. Most people think that the unions spent in the 1996 election $35 million. That was what they assessed their members to spend extra.

We have estimated and we continue to estimate that the unions alone have spent over $350 million in independent expenditures across this Nation. So be it. They have every right to do so. They should be able to express themselves as to who should control this

body and who should be elected and who should be unelected.

Most of the Members that have stood up here and complained about this process are the beneficiaries of that money, and yet they have the audacity to come down to the floor of the House and claim that the monies spent in their behalf by independent expenditures are corrupting. I have more confidence in my character than obviously they do, because I do not feel corrupted by participating in the process. We do not spend enough money in the process.

We spend less than $5 a person that votes in this country to try to convince them to be part of this political process and participate in the process, less than $5 per person. That is amazing to me. Yet we call it corrupting to try to convince people to be part of the process and participate in the process.

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

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

Mr. DELAY. Mr. Chairman, the gentleman from Connecticut was talking about how great it was in 1974 that we had all this campaign reform. The gentleman ought to look at his history: 1974 is after Watergate. We had a huge infusion of Democrats elected after the Watergate election.

The reason that most of the laws that were passed in 1974, I tell the gentleman, was to make sure that challengers could not raise as much money as the incumbents were spending on their franking privileges. My point is, my point is that what this debate is becoming is who wins and who loses. Who are we going to say gets to raise money and who does not?

Why are we doing that? Most Members on my side of the aisle are here because they want to limit government. They want to get government out of our lives. They hate regulation. They want to reform the regulatory process of this government. And yet they turn right around and, in a most fundamental freedom of this country, the freedom to speech, they want to use regulation of campaigns to limit the American people's right to participate in campaigns openly and honestly.

I think full disclosure does that. I do not think limiting people's freedom of speech by more bureaucracy, more laws, more opportunities to get one another, more opportunities to stop one group from being able to raise enough money for the other group, let the people decide. They are incredible when you allow the people the freedom to look at these elections, participate in them and openly and freely decide who they want to represent them.

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

Mr. DELAY. I yield to the gentleman from Connecticut.

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

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

Mr. SHAYS. Mr. Chairman, what I said to this Chamber was that the campaign finance laws in 1974 were designed to cut the unlimited sums that in particular the CREEP organization of the Nixon administration raised and to stop the shakedown of businesses that took place. And that shakedown stopped for a number of years until both parties designed a new system called soft money that just brought us back to the Nixon era.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman's assessment of history, but I remember a different history.

I remember a history that they used that as a great argument, and many are using the same kinds of arguments for the gentleman's bill, have used that for a great argument. But the result, and we all know why they did it, the reason they wanted to ban PACs to begin with is to stop Republicans from raising money and limiting their ability to raise money through PACs. Then they did not like that, because we were pretty good at it. And so they figured, the majority, then the Democrats, figured out another way to keep challengers, Republican challengers from challenging the Democrat incumbents serving in the House, from raising more money than these incumbents could use in free postage called the franking privilege.

Mr. SHAYS. Mr. Chairman, if the gentleman will continue to yield, the bottom line is that the corporations that were being shaken down by the Nixon administration are telling me now that they are being shaken down by both political parties in soft money.

Mr. DELAY. Mr. Chairman, would the gentleman define ''shaking down'' for me?

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

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

Mr. SHAYS. Mr. Chairman, shakedown is when leaders from both parties will call up a corporation president, and say we would like $100,000 or $200,000 or $300,000 or a half a million, and make it very clear to those leaders that they can expect no action on their legislation unless they get it. That is a shakedown.

Mr. DELAY. Would the gentleman like to name Members that do that?

Mr. SHAYS. Mr. Chairman, I think during the course of debate, there are going to be a lot of issues that come out.

Mr. DELAY. Mr. Chairman, the gentleman has just made an accusation that leaders of both sides of the aisle shake down corporations. Would the gentleman like to name——

Mr. SHAYS. Mr. Chairman, do not even wonder for a minute about whether I will be able to document that information.

Mr. DELAY. Reclaiming my time, Mr. Chairman, I think it is just outrageous. It is incredible that the gentleman thinks that when you call someone up to raise money for a campaign, that is a shakedown.

Mr. SHAYS. $100,000, $200,000, half a million dollars.

Mr. DELAY. Mr. Chairman, I think it is just incredible.

Mr. SHAYS. But it is true.

Mr. DELAY. Mr. Chairman, I ask for regular order. The gentleman does not even pay me the courtesy. I have yielded to him. I am trying to close the debate. I do not yield to him again.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. DELAY) controls the time and should not be interrupted.

Mr. DELAY. I think it is just outrageous that the gentleman would accuse leaders of both sides of the aisle of being able to raise money to participate in the campaign and call that a shakedown. It is not a shakedown to get out and actively participate in the process and ask people to participate in the process, whether it to be ask them for $1 or $100,000.

It is an outrage that someone would come down to the floor and offer a constitutional amendment or write one or offer a piece of legislation that would stymie the freedom of the American people to decide to participate in the process and participate in free speech and free press. I think that is the outrage. That is the shakedown. That is the coverup. That is the thing that the American people ought to be outraged over. That is the thing we are going to stop because we are going to have this debate, and the American people are going to understand both sides.

Mr. MCINTOSH. Mr. Chairman, I stand in oppostion to the Gephardt amendment.

Last Thursday, a very interesting debate took place on this floor. I am speaking of the debate surrounding the Religious Freedom Amendment.

At one point, the gentleman from Texas, Mr. EDWARDS, submitted a motion to recommit the Amendment. He stated that we ''do not have the right to change the Bill of Rights every time we disagree with a court decision.''

Mr. EDWARDS' argument was while we claim to believe in the First Amendment, supporters of the Religious Freedom Amendment were voting against the Bill of Rights, because we want to get back to the original meaning of the First Amendment.

Well, I hope that Mr. EDWARDS will come to the floor today—perhaps with a motion to recommit—because if he thinks allowing prayer in school is dangerous, this Gephardt Amendment is a frontal assault on the First Amendment—and does much more to undermine Freedom of Speech.

What this Gephardt amendment demonstrates is something which has been clear to me for some time—that campaign finance reform is really all about free speech and the First Amendment.

You see, freedom of speech—the right to say what you want, how you want, when you want, about political opponents, is our most fundamental freedom. Without freedom of

speech, there is no integrity to the Bill of Rights, and all our freedoms are on shaky ground.

Mr. GEPHARDT's attempt to redefine the Bill of Rights amounts to an admission that attempts to limit campaign money like the Shays-Meehan bill are indeed efforts to limit free speech.

He even stats that we cannot have freedom of speech and healthy campaigns in a healthy democracy—that we must choose between one or the other.

Mr. Chairman, I disagree with that assertion.

When the Founders said that Congress shall make no law abridging the freedom of speech, they left no room for ambiguity.

If Congress grants itself the authority to abridge the freedom of speech, it will amount to a crushing of the Constitution's guarantee of free speech.

Consider the words of the Supreme Court's ruling in Buckley v. Valeo:

> In the free society ordained by our Constitution, it is not the government, but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

There is a key difference between the vote today and our vote on Thursday. The Religious Freedom Amendment would have strengthened the First Amendment by returning to the intentions of the Founding Fathers. The vote on Thursday was compatible with the Bill of Rights.

Our vote tomorrow is not. Instead, it is an effort to severely restrict our freedom, and to violate the spirit of the First Amendment.

I would ask all of you, not only today, but through the rest of our careers in public service, to judge all legislation by what it does to our freedom.

Mr. GEPHARDT. Mr. Chairman, I rise to speak in strong support of reforming our Nation's campaign finance laws. After months of obstruction and delay, after the steady stream of efforts by the Republican leadership to squelch this debate, the House is finally discussing campaign reform.

I support the constitutional amendment which has been brought to the floor today. In my opinion, it is the only comprehensive solution for fixing our campaign finance system. But now is not the right time for a vote on it. This amendment, like all campaign reform bills other than Meehan-Shays, must be put on hold.

There is a crisis of confidence in our system of campaign financing. It is imperative that we pass reform this year—and it is urgent that we take the first step now. But the best way to clean up the system is by voting for the bipartisan Meehan-Shays bill, not through any other campaign reform measure, including this one.

I do, however, believe that the Congress should vote some day—not today—on this amendment. When I introduced it last year, I did so because I believe it is the best way to shut down the sewer pipe of big money which is polluting our political process.

Over the last two decades, Congress and State and local governments have tried to enact limits on the role of money in politics. We have tried to pass legislation that would help put a bigger premium on the quality of a candidate's ideas, not the quantity of contributions to his or her campaign. But we are hamstrung by a Supreme Court which has equated spending money with political speech.

The Founding Fathers did not envision a political system where candidates for Congress routinely raise and spend millions of dollars. They could not have foreseen candidates spending tens of millions of dollars of their own funds to get elected. And they certainly could not have imagined the non-stop fundraising carousel that candidates must ride in order to run for office.

This Amendment would clarify that campaign spending is not an absolute; that we could enact modest restrictions on spending to reduce the dominance of fundraising and campaign dollars in our political process. Some day, I hope Congress will pass this constitutional amendment and fix our broken campaign finance system once and for all. But I will not vote for it today.

The opponents of campaign reform want to kill the process—the only thing that has changed is their tactics. First they tried delay and obstruction, now it's endless debate and amendment. The only way proponents of reform can prevail is through a single-minded focus on Meehan-Shays.

Meehan-Shays is our last, best chance for campaign reform this year. Friends of reform—the majority of House members, I believe—must band together behind the Meehan-Shays bill. It may not suit everyone's taste—campaign reform comes in 435 flavors, after all. But we cannot afford to dilute our strength by supporting every alternative.

The Republican leaders of this House are satisfied with the current system. They stand for the power of big money and against change. They don't want Meehan-Shays or any other effective reform bill to pass.

The Republican leadership brought up this bill and many others as a roadblock to reform. They aren't interested in a debate; they are interested in deadlock. They want to run down the shot clock so that Congress will be unable to deliver the slam-dunk of campaign reform for the American people.

The majority of Democrats, and I believe, the majority of Congress, rejects the status quo. We understand we have reached a critical point in the history of our democracy. We need to take the first serious step to clean up our politics. If we fail to take this first step, our democracy will drown in the fast-rising tide of campaign cash. Campaign reform is the art of the possible—and Meehan-Shays is the best possible bill.

We must keep our single-minded focus. We must reject any alternative to Meehan-Shays, no matter how much we agree with it. I urge the supporters of this Amendment to vote ''present,'' and to redouble our efforts to pass Meehan-Shays.

Mr. BAESLER. Mr. Chairman, I don't know why we are debating this Constitutional Amendment. It was not made in order by the Blue Dog discharge petition, which led to this debate in the first place.

I think what's really going on is the Leadership is not dealing in good faith.

If that continues, I would suggest the discharge petition may have to be resurrected.

Whatever the case, I believe a Constitutional Amendment is unnecessary to get good campaign reform, especially a soft money ban and campaign disclosure.

Congress has plenty of room under the case Colorado Republican Party versus FEC to ban soft money. In the case, the Supreme Court said:

> Reasonable contribution limits advance the government's interests in preventing corruption. Congress might decide to change the campaign laws limitations on contributions to political parties if it decided it needed to.

And in Buckley versus Valeo the Court said:

> Limiting corruption and the appearance of corruption is a constitutionally sufficient justification for campaign contribution limitations. Political quid pro quos or apparent quid pro quos undermine the integrity of our system of representative democracy.

But even if I do not think an Amendment is necessary, I don't question the original sponsors' motives. In fact, a number of Democrats and Republicans have cosponsored such amendments.

Now, the Kentucky anti-reformers condemn the Amendment. But it's worth pointing out that some of the Kentucky anti-reformers have been on the other side of the campaign spending Constitutional Amendment issue before.

I enter into the RECORD an Amendment offered in a previous Congress, championed by the anti-reform brain trust that today denounces such Amendments as being almost un-American.

The anti-reformers' inconsistency doesn't need to be beaten like a dead horse, but it should be noted that it was the anti-reformers themselves who offered more severe Constitutional Amendments limiting campaign speech in the past than one being discussed here today.

So in the future, when the Kentucky anti-reformers give their opinion on the First Amendment and campaign reform, and they say they're taking a rock solid position, I urge everyone to consider that they have changed their position in the past—and weigh the force of their arguments accordingly.

EXCERPTS FROM THE RECORD OF JUNE 19, 1987

S.J. RES. 166

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution, when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

''ARTICLE—

SECTION 1. The Congress may enact laws regulating the amounts of expenditures a candidate may make from his personal funds or the personal funds of his immediate family or may incur with personal loans, and Congress may enact laws regulating the amounts of independent expenditures by any person, other than by a political committee of a political party, which can be made to expressly advocate the election or defeat of a clearly identified candidate for Federal office.

SECTION 2. The several States may enact laws regulating the amounts of expenditures a candidate may make from his personal funds or the personal funds of his immediate family or may incur with personal loans, and such States may enact laws regulating the amounts of independent expenditures by any person, other than by a political committee of a political party, which can be made to expressly advocate the election or defeat of a clearly identified candidate for State and local offices.''

* * * * *

Mr. MCCONNELL. Mr. President, we have been on S. 2 for 2 weeks and 2 days.

Clearly, it is possible for the Senate to pass a meaningful campaign finance reform bill. The distinguished majority leader has indicated that his side is willing to talk, and I reiterate the observations of the Republican leader yesterday, that the leadership group on this side consisting of Senator STEVENS, Senator BOSCHWITZ, Senator PACKWOOD, and myself, has been saying for some 2 weeks and 2 days that we would like to sit down with those on the other side of the aisle and have a discussion on formulating a truly meaningful campaign finance reform bill.

There are a number of areas upon which we can agree. The Senator from Oklahoma and I yesterday discussed ''soft money.'' We discussed independent expenditures. We discussed the need for effective controls on PAC's. We have discussed over the weeks the problem of the millionaire's loophole. These are the real problems that our constituents have spoken against, in letters, in calls, and even in editorials supplied by Common Cause. As I mentioned yesterday, only a very small percentage of these editorials that pile up on our desks advocate public financing and spending limits to bring down overall spending. Most just want to control the PAC's.

But today, I'm going to talk about the millionaires' loophole and independent expenditures, under current law, under S. 2, and under McConnell-Packwood. I am proposing today a constitutional amendment to deal with these campaign finance abuses, and I might add that we usually think that constitutional amendments take a long time to pass.

The constitutional amendment that I will be introducing is simple, direct, and strongly supported in this body. It would grant to this body and to the various State legislatures the authority to regulate what an individual could put into his own campaign from personal funds, just as we have the constitutional authority to regulate what any of us can put into somebody else's campaign from personal funds. It would also grant to the Congress and to the various State legislatures the authority to regulate the independent expenditures.

In the course of the debate on campaign finance reform, Members on both sides of the aisle have decried the ease with which wealthy candidates can virtually purchase congressional seats, and the surge of independent expenditures in campaigns.

Both of these campaign abuses are the result of loopholes in the Federal election law, carved out by the Supreme Court decision in Buckley v. Valeo, 424 U.S. 1 (1976). In that decision, the Supreme Court held that restrictions on campaign expenditures from personal funds and on independent political expenditures are violations of the first amendment guarantee of freedom of speech. Thus, the ''millionaires' loophole'' and the independent expenditure loophole are constitutional problems, and will not be corrected by any clever statutory incentive or spending of public moneys.

That is why I introduce today a joint resolution to amend the Constitution, to allow Federal, State, and local governments to restrict the spending of personal funds in campaigns, and the amount of independent expenditures in election cycles. Unlike a broad amendment to limit all campaign spending, this amendment would quickly pass through the Senate and be ratified by the State legislatures. It is a measure for which I have heard nothing but unqualified support.

I do not dispute that my earlier campaign finance reform bill, S. 1308, offers only imperfect solutions to the millionaires' loophole and independent expenditure problems. It is true, for example, that wealthy candidates could spend up to $250,000 in personal funds before S. 1308 would provide relief to opponents. And although my earlier bill incorporates the same restrictions and reporting requirements that S. 2 applies to independent expenditures, it is unlikely that any of these administrative constraints will curb the negative practices of independent expenditures.

S. 2, the taxpayer campaign finance bill now before the Senate, tries to address these two problems by spending the taxpayers' money. Candidates, facing wealthy opponents or negative ads financed by independent expenditures, would be armed with additional public funds—funds that would be diverted from farm programs, Social Security, education, and our antidrug war. Yet, S. 2 would probably not discourage wealthy candidates from sinking their personal fortunes into campaigns, particularly since S. 2 doesn't give the opponent much to compete with. Under S. 2, a candidate from the State of Arkansas would get a maximum of $1,727,200 to do battle with a millionaire. An Oklahoman would get $1,989,500, and a Coloradan would get $1,998,000. This is a lot of money to our taxpayers, but not much at all to a millionaire, unless he's a rather poor millionaire.

Further S. 2 hopes to limit independent expenditures by compensating each attacked candidate for the full amount spent against him or her. This candidate compensation fund again comes from the American taxpayer. Last year, independent expenditures totaled nearly $5 million in Senate races; thus, we can safely tack another $5 million onto S. 2's $100 million price tag, and another $5 million onto the overall amount of campaign spending allowed under S.2.

Will those who now spend hundreds of thousands of dollars to express their political views independently be deterred simply by the spending of taxpayers' money against them? Mr. President, I think not. Will candidates be compelled to tap the public till every time they believe they are being unfairly treated in an independent ad? Mr. President, I hope not. It is apparent that S. 2's independent expenditure provision is just another loophole to funnel more of the taxpayer's money into our reelection campaigns.

Another $5 million every election year is obviously not very much to those who seek to dominate the political debate with independent expenditures—but it is a lot of money to the American taxpayer, and we shouldn't be throwing it away on a proposal that won't benefit anyone except broadcasters.

Neither administrative constraints nor government entitlements will prevent well-heeled individuals and groups from independently trying to influence elections. Nor will wealthy candidates be deterred from trying to purchase congressional seats merely by S. 2's costly but ineffective millionaires' loophole provision.

There are constitutional problems, demanding constitutional answers. This Congress should not hesitate, nor do I believe that it would hesitate, nor do I believe that it would hesitate, to directly address these imbalances in our campaign finance laws. I offer this constitutional amendment in the sincere hope that the Senate will begin to turn its attention to the real abuses in campaign finance—the millionaires' loophole, independent expenditures, political action committee contributions, and ''soft money''—and develop simple, straightforward solutions, rather than strangle the election process with overall spending limits and a larger political bureaucracy.

* * * * *

Mr, MCCONNELL. Mr. President, these two areas have repeatedly been agreed by both sides to be at the crux of the problem. What distorts the process, of course, is the ability of an individual of unlimited wealth to put literally everything he has into his own campaign; whereas, if he were contributing to anyone else's campaign, he would be limited to $1,000 in the primary and $1,000 in the general election. That is clearly unfair, and we ought to cure it. We can cure it, however, only with a constitutional amendment.

Another unfairness that we all agree on is the independent expenditure, again a constitutionally protected area of expression, according to the Supreme Court decision in Buckley versus Valeo.

This constitutional amendment that I propose would grant to the Congress and to the various State legislatures the right to deal with that problem.

Mr. President, if we dealt with three areas of great concern: The closing of the millionaires' loophole, the ability to regulate independent expenditures, and the cost of broadcast time, which we can address simply by statute, we would have passed in this body the most meaningful campaign finance reform since Watergate.

The third area I just referred to, Mr. President, is the cost of television. What has driven up the cost of campaigns in the last several years has been the cost of television advertising. Candidates have to use television because it is the most effective day to reach our people and communicate ideas. That is particularly true in the large States. My colleagues from New York, California, Texas, and Florida could shake hands all day, every day, for the rest of their lives, and never make a dent in the huge populations in their States, let alone discuss the issues that concern the citizens of those States. Clearly, both incumbents and challengers should be able to use television to reach our people.

What has happened, Mr. President, is that the broadcast stations in America have raised the rates they charge during key times in political campaigns, and have made handsome profits on the candidates, in terms of the cost of advertising.

We could in this body pass legislation that would, for example, require television stations to grant to candidates television time at the lowest unit rate of the previous year, for the class of time purchased. This would dramatically lower the cost of campaigns, and give us all an ability to afford the broadcast time which is absolutely essential to modern political communication.

What happened in Kentucky last May, just last month, is typical of what goes on all over America. The lowest unit rate skyrocketed just prior to the election, such that the ''discount'' given to candidates amounted to nothing—it was like offering a 25-percent-off sale after a 100-percent price increase. That problem, Mr. President, could be solved by legislation.

These are the kinds of agreements that we can reach together. I hope we can work together on direct, simple solutions to the real problems that plague our campaign finance system.

The ACTING PRESIDENT pro tempore. The time of the Senator from Kentucky has expired.

Mr. MCCONNELL. Mr. President, I ask unanimous consent for 1 more minute.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Kentucky 1 minute from our side.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has yielded 1 minute to the Senator from Kentucky.

Mr. MCCONNELL. I thank the distinguished majority leader.

The Senate could solve these key problems by the passage of the kind of constitutional

amendment I outlined earlier. I believe that this resolution, unlike most constitutional amendments, would zip through this body and zip through the State legislatures; I believe that, by passing a statute that did something meaningful about the cost of television, we would bring down the cost of campaigns without deterring public participation through contributions.

Those accomplishments would be real reform, Mr. President, and we stand ready on this side to sit down with the leaders on the other side at any time, to work out the kind of bipartisan reform package that we all know will have to be reached, in order to pass any meaningful campaign reform legislation in 1987.

Ms. KILPATRICK. Mr. Chairman, I rise today in strong and stringent opposition to the amendment offered by Congressman TOM DELAY of Texas. This amendment would modify our beloved Constitution to make it allow for the future enactment of mandatory spending limits in campaigns. The Supreme Court has found such limits unconstitutional. It would also give Congress and the state authority to define those expenditures deemed to influence elections, and to prohibit any regulation of the content of elections.

As a member of the House Oversight Committee, I have heard the testimony of over 40 of our colleagues on the issue of campaign finance reform. The issue of a Constitutional Amendment regarding spending limits was not considered during these hearings. As a new Member of Congress, it is no wonder why the taxpayers of our country view us with such cynicism and spite when my colleagues offer amendments that they cannot or will not support themselves. This amendment is exhibit number one of such an example.

It is time for Congress to stop wasting the people's money. It is time for us to get campaign finance reform under control. As I said in remarks that I made on the floor just last week, real campaign finance reform does three things: it bans soft money; it requires full disclosure of contributors, and it cleans up expenditures from special interest groups. We need to restore the faith of the American people in our system of government. We need to ensure the accountability of those who participate in and contribute to candidates. The Shays/Meehan bill does just that.

In closing, I implore my colleagues to stop wasting time and the people's money. It is time for us to bring to a clean, up-or-down vote, the Shays/Meehan bill.

The CHAIRMAN pro tempore. Are there any amendments to the joint resolution?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BARRETT of Nebraska) having assumed the chair, Mr. WATTS of Oklahoma, 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 joint resolution (H. J. Res. 119) proposing an amendment to the Constitution of the United States to limit campaign spending, pursuant to House Resolution 442, he reported the joint resolution back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on the question of the passage of the joint resolution are postponed until tomorrow.

The point of no quorum is considered withdrawn.

REPORT ON RESOLUTION PROVIDING FOR THE CONSIDERATION OF H.R. 3494, CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–576) on the resolution (H. Res. 465) providing for consideration of the bill (H.R. 3494) to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 2888, SALES INCENTIVE COMPENSATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 461 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 461

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2888) to amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage recordkeeping and overtime compensation requirements certain specialized employees. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 411 is an open rule providing one hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Education and the Workforce.

The rule makes in order the Committee on Education and the Workforce amendment in the nature of a substitute as an original bill for the purpose of amendment which shall be considered as read. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question, if the vote follows a 15-minute vote.

Mr. Speaker, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule provides one motion to recommit with or without instructions.

☐ 2245

Mr. Speaker, H.R. 2888 would amend the overtime and minimum wage provisions of the Fair Labor Standards Act as they apply to certain private sector employees.