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Divider Title: **Floor Debate McCain / Feingold Bill**

Divider Title: **Administration and Beck**

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LRM ID: MJG134

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Wednesday, October 1, 1997

LEGISLATIVE REFERRAL MEMORANDUM

TO:	Legislative Liaison Officer - See Distribution below
FROM:	James J. Jukes (for) Assistant Director for Legislative Reference
OMB CONTACT:	M. Jill Gibbons PHONE: (202)395-7593 FAX: (202)395-3109
SUBJECT:	**LABOR Report on S25 To Reform the Financing of Federal Elections**
DEADLINE:	**11:00 Friday, October 3, 1997**

Jj

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS: Attached is a draft Labor letter on the "Paycheck Protection Act" amendment to S. 25 offered by Senator Lott. **Please note the veto recommendation contained in the last sentence of the letter.**

A similar Labor letter on H.R. 1625, the Worker Paycheck Fairness Act, is being circulated under LRM MNB54.

DISTRIBUTION LIST

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LRM ID: MJG134 **SUBJECT:** LABOR Report on S25 To Reform the Financing of Federal Elections

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:
(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
(2) sending us a memo or letter
Please include the LRM number shown above, and the subject shown below.

TO: M. Jill Gibbons Phone: 395-7593 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-3454

FROM: ______________________ **(Date)**

______________________ **(Name)**

______________________ **(Agency)**

______________________ **(Telephone)**

The following is the reponse of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _______

_____ Other: ____________________

_____ FAX RETURN of _____ pages, attached to this reponse sheet

DRAFT

(LABOR)

Dear Senator:

Senate Majority Leader Trent Lott has offered an amendment to S. 25, the Bipartisan Campaign Reform Act of 1997, which would infringe on the rights of labor unions to spend their members' dues on legislative or political activities. I am writing to let you know that the Administration is strongly opposed to Senator Lott's amendment.

Simply put, the Administration believes that current law strikes the proper balance between the interests of workers who may object to union social and political activities and the interests of union members who support them. Federal election law already forbids unions from using dues payments to make campaign contributions. Under current federal labor law, workers cannot be required to pay for a union's social and political efforts--even where a union-security clause makes paying union fees a condition of employment. The Labor-Management Reporting and Disclosure Act, meanwhile, ensures that unions are democratically governed.

The leading case addressing the use of required union dues is the Supreme Court's decision in Communications Workers v. Beck (1988). Under Beck, workers covered by a union-security clause have the right to opt out of union membership and instead to pay reduced fees that cover only union activities related to collective bargaining. Because they are not union members, and do not pay full dues, workers who exercise their Beck rights may not participate in union affairs.

The Administration supports the principles embodied in the Beck decision, which has been effectively enforced by the National Labor Relations Board and by the federal courts. But the Lott amendment goes far beyond current law. Whether or not workers were required to pay dues as a condition of employment, prior written authorization from individual workers would be required before unions could spend dues to influence legislation, make their views on social issues known, or engage in a political campaign. Workers who refused to pay full dues, moreover, would still be entitled to all of the rights of union members.

Imposing such unprecedented burdens on union members and their unions would infringe on their freedom of association and interfere with union democracy. Current law recognizes that workers join unions not simply to win benefits in their own workplaces, but to help shape the larger society. At the same time, the law creates ample protections for the dissenting worker. I urge you not to upset this careful balance. If the Lott amendment were accepted, I would recommend to the President a veto of S. 25.

Sincerely,

Alexis M. Herman

paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties.

"(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit,

The amendment is as follows:

Strike all of section 501, and insert the following:

SEC. 501. PAYCHECK PROTECTION ACT.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new sub-

dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term 'political activities' includes communications or other activities which involve paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties.

"(C) If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

(b) REFERRAL TO ATTORNEY GENERAL.—Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

"(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of title 26, United States Code, to the Attorney General of the United States, without regard to any limitation set forth in this section.".

SEC. 503. INITIATION OF ENFORCEMENT PROCEEDING.

Section 309(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(2)) is amended by striking "reason to believe that" and inserting "reason to investigate whether".

TITLE VI—SEVERABILITY; CONSTITUTIONALITY; EFFECTIVE DATE; REGULATIONS

SEC. 601. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 602. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SEC. 603. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date that is 60 days after the date of enactment of this Act or January 1, 1998, whichever occurs first.

SEC. 604. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act and the amendments made by this Act not later than 270 days after the effective date of this Act.

AMENDMENT NO. 1258

(Purpose: To guarantee that contributions to Federal political campaigns are voluntary)

Mr. LOTT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1258.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all of section 501, and insert the following:

SEC. 501. PAYCHECK PROTECTION ACT.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party."

Mr. LOTT. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1259 TO AMENDMENT NO. 1258

(Purpose: To guarantee that contributions to Federal political campaigns are voluntary)

Mr. LOTT. Mr. President, I send an amendment to the desk to my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1259 to amendment No. 1258.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted insert the following:

SEC. 501. PAYCHECK PROTECTION ACT.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party."

(b) EFFECTIVE DATE.—This section shall take effect one day after enactment of this Act.

Mr. LOTT. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1260 TO AMENDMENT NO. 1259

(Purpose: To guarantee that contributions to Federal political campaigns are voluntary)

Mr. LOTT. I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1260 to amendment No. 1258.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word "SEC." in the pending amendment and insert the following:

501. PAYCHECK PROTECTION ACT.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term 'political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party."

(b) EFFECTIVE DATE.—This section shall take effect two days after enactment of this Act.

AMENDMENT NO. 1261

(Purpose: To guarantee that contributions to Federal political campaigns are voluntary)

Mr. LOTT. I now send an amendment to the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

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*** TX REPORT ***
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Divider Title: **AFL – CIO and Beck**

BACKGROUND

UNION FUNDS AND POLITICAL ACTIVITY

RESPONSE TO GOP ATTACKS ON UNION ACTIVITY

In 1996, leaders of the Republican Congress launched a vicious campaign against America's unions in retaliation for the successful efforts by the AFL-CIO to put issues that concern working families at the top of the national agenda.

In anticipation of continued attacks on labor organizations, attached are key facts on labor's campaign in 1996 as well as current background and facts on the AFL-CIO's activities, union members' support for that activity, and the extensive regulations that already cover union political activity.

As specific pieces of legislation are introduced in the 105th Congress, we will compile more information for your use. However, we can expect to see Republican legislative harassment related to Beck and the use of union dues.

Please feel free to call the AFL-CIO Legislative Department at 202/637-5004 if you have any questions. In addition, we would appreciate if you can forward us any materials pertaining to this issue and the activities of the 105th Congress as you come across them.

Talking Points on Use of Union Dues for Political Activity

CHARGE: Members' rights are being violated because they are forced to pay union dues to pay for political activity they don't agree with. That's wrong. We believe that every union member should have the right to decide whether they want their hard-earned money that they have to pay in dues to support a liberal, corrupt agenda.

RESPONSES FOR MEDIA INTERVIEWS AND FLOOR DEBATE:

#1 This is a phony argument. What these critics really want is to silence the only voice working families have in our society. If they really care about members' rights, they'd be talking about members' right to free speech, which anti-working family politicians and big business want to squelch.

#2 In the last election, labor told the truth about working families' representatives in Congress who voted to cut Medicare, education and pensions. What you're hearing now are the protests of politicians who don't want the folks back home to know how they voted --- that's all this is. Unions have a right to put out the facts about how members of Congress are voting and to lobby those members to change their positions on legislative issues important to workers. I think most voters would agree that we need *more* watchdog-ing -- *not less*.

#3 There are a lot of problems with money in American politics, but this is not one of them. We need a *more* level playing field for working people in politics, not *less*. In the last election, unions started speaking up on behalf of working people for the first time in a long time, but even then they were outspent by business special interests 7 to 1. Now some people want to cut back the voice of working people. That's outrageous.

#4 To suggest that union members do not support their unions' legislative and political activities is grossly incorrect. Here's the truth: in a recent poll by Peter Hart Associates, union members said, by a six-to-one margin, that they want the AFL-CIO and their unions to speak out in the political and legislative arenas. And 90 percent of union members -- including large majorities of members from both political parties -- said they agree with the AFL-CIO's positions on the issues they raised.

#5 This is an attack solely on unions. If it were anything else, people who make these claims would also be talking about the rights of shareholders -- who have far fewer rights about how the companies they own stock in spend money in politics -- or about the rights of consumers of, for instance, utilities -- who have no rights at all when it comes to how the companies they are forced to patronize spend money for political purposes. Union members have more rights than shareholders, and unions are already covered by more reporting requirements than other organizations.

#6 These charges have no foundation in fact. Under the law, any union member has the right to resign from union membership and object to paying the portion of any contractually required fee that goes to legislative and political activity, and some do. Huge majorities of union members agree with what the AFL-CIO did this year and support the notion that unions should be involved in political activity.

#7 The vast majority of union members support what the AFL-CIO is doing. Know why? Because they are fed up with watching profits and productivity and executive salaries go up while their family incomes keep going down. Speaking out in the political arena is a legitimate way to change that and thank God we all have the basic right to speak out.

#8 The law already provides strong safeguards against abuses. We don't need more laws that restrict free speech, we need more laws that restrict the ability of big business and special interest groups to buy political candidates.

#9 The real purpose of these attacks is not to protect the rights of union members, but to shut them up. The radical right-wingers in Congress want corporations to be able to spend money and promote their views, but they don't want working families to have the same right.

#10 Unions are the most democratic institutions in our society. How so? Union members vote on whether they want to be represented by a union, they vote on who their officers are, they vote on what their constitution will be. They and their elected leaders decide what positions their union will support. And they even have procedures already in place to protect the minority of represented workers who disagree. That is more democracy and more protection than any other organizations have.

#11 The AFL-CIO's political program and funding were approved in an open convention by delegates from all unions and all parts of the country. It's difficult to imagine a corporation going through that kind of process and having its shareholders, or employees or customers vote on political activities.

#12 This is a ridiculous, vindictive attack on working families. Did you know that in this last election, business interests outspent the unions by seven to one? If you want to talk about campaign finance reform, you need to follow the money trail.

#13 It's curious that the very members of Congress who are always yelling about big government and over-regulation now want to pass more laws to regulate unions. Workers in unions are already protected by more financial disclosure requirements than other membership organizations --- including the American Medical Association, the American Bar Association and the Chamber of Commerce.

What Current Law Already Says About Union Members' Rights

Current law assumes that union members will expect their interests to be advocated through a variety of avenues, including political activity as well as collective bargaining. Justice Felix Frankfurter noted in Machinists v. Street, 367 U.S. 740, 814-815 (1961) (dissenting opinion), "It is not true in life that political protection is irrelevant to, and insulated from, economic interests. It is not true for industry or finance. Neither is it true for labor."

The same point was reiterated by the Supreme Court, when, citing Justice Frankfurter's observations, it held that the National Labor Relations Act protects workers when they engage in concerted political activity to protect their interests as workers. Eastex, Inc. v. NLRB, 437 U.S. 556 (1978). As Justice Powell put it, in his opinion for the Court, in the Wagner Act "Congress knew well enough that labor's cause often is advanced on fronts other than collective bargaining and grievance settlement withing the immediate employment context."

The Court has additionally ruled that nonmembers who pay dues have express rights. In Communications Workers of America v. Beck, 487 U.S. 735 (1988), the Court held that, while Section 8(a)(3) of the National Labor Relations Act permits the negotiation of "an agreement requiring all employees in the bargaining unit to pay periodic dues and initiation fees," that statutory provision does not "permit[] a union, over the objections of dues-paying nonmember employees, to expend funds so collected on activities unrelated to collective bargaining, contract administration, or grievance adjustment, and [that] ... such expenditures violate the union's duty of fair representation...." 487 U.S. at 738.

The Beck opinion itself is solely concerned with whether nonmembers have a right to object to the expend of their fee payments on activities unrelated to collective bargaining. That opinion does not address how unions should go about accommodating this right.

The issue of compliance was discussed, however, in Machinists v. Street, 367 U.S. 740 (1961), -- a case treated by the Beck majority as "controlling." 487 U.S. at 745. In Street, the Court cautioned that "the majority ... has an interest in stating its views without being silenced by the dissenters," the goal in defining a union's legal obligations with respect to agency fee objections is "[t]o attain the appropriate reconciliation between majority and dissenting interests...." 367 U.S. at 773.

Following the Supreme Court's lead, the National Labor Relations Board has issued a comprehensive decision that fully defines the various rights and duties arising under Beck. California Saw & Knife Works, 320 NLRB No. 11 (Dec. 20, 1995). In balancing the majority and minority interests at stake, the Board recognized that "the objective must be to devise a way of preventing compulsory subsidization of ideological activity by employees who object thereto without restricting the union's ability to require every employee to contribute to the cost of collective-bargaining activities." 320 NLRB No. 11, p. 2 quoting Abood v. Detroit Board of Education, 431 U.S. 209, 237 (1977).

To facilitate exercise of the nonmembers' right of dissent, the California Saw Board ruled that unions must inform employees of their rights under Beck at least by the time when it seeks to require the payment of dues or fees under a union security clause. The Board also ruled that, as part of the explanation of the fee reduction given to objecting fee payers, unions must adequately verify the allocation of expenditures on which the fee reduction is based. And the Board held that if unions channel exercise of the right to dissent through internal procedures, those procedures must not unreasonably burden the exercise of that right.

KEY FACTS

1. Unions are democratic, voluntary organizations. All represented employees have the right to refuse to support union political and ideological activities without affecting their employment situation. Claims that unions are placing compulsory dues on workers to support political activities are outright false -- existing law prevents labor organizations from mandating employees to pay for election-related activities.

2. Unions have a First Amendment right to express political views to their members, as do other membership organizations, including membership corporations. The true purpose of these new Republican attacks against America's unions is not to protect the minority, but to silence the voice of the majority. The Republican leaders of Congress want to allow corporations to be able to spend money, while preventing working families from being able to have their voices heard.

3. Workers in unions are already protected by more financial disclosure requirements than are members of any other organizations or corporations - including members of the American Medical Association, American Bar Association and the Chamber of Commerce, and stockholders of corporations. Furthermore, spending by business overwhelms the AFL-CIO's campaign. Corporate interests are -- and always have been -- far outspending labor in all areas of the political arena, including PAC and individual campaign contributions and so-called "soft" money contributions, as well as in voter education. Real campaign finance reform must take into account the whole picture rather than simply airing a unilateral attack.

4. The AFL-CIO's 1996 grassroots legislative campaign focused on legislative issues. It was organized around national issues that concern working families most, including living wages, secure jobs, retirement security, health care, education, job safety and workers' rights. The AFL-CIO also sponsored voter guides that compared candidates' positions on these issues without suggesting who the reader or viewer should vote for.

5. Union members overwhelmingly support the AFL-CIO's activities, and members from both political parties strongly support the AFL-CIO's national issues agenda. Furthermore, the unions of the AFL-CIO voted to fund the campaign with existing resources -- not an increase in dues. In polls and hearings, members said they wanted the AFL-CIO to take an aggressive role in fighting for issues like Medicare, college loans, minimum wage and other issues that affect their lives and their families' lives. Only 1 member in 10 disagreed with the AFL-CIO's position on these issues.

1. Unions are democratic, voluntary organizations.

⇨ Under existing law, any employee represented by a union and covered by contractual union security provision has a right to choose whether to become a full union member, or whether simply to satisfy his or her financial obligations to the union. Union dues are paid by millions of employees who join unions of their own free will.

⇨ Unions are democratic organizations. Each union's dues are set by its members' votes and union spending determinations are made through democratic processes in which members participate. Union officials who decide the political issues and candidates whom the union will support are both elected by the union's members and guided in those decisions by the union's democratic endorsement process.

⇨ If members do not like the way their union is spending their money, there are methods in place which they can use to try to influence and change the union policy. They can run for union office. They can elect different leadership. They can use the NLRB to attempt to change bargaining representatives. Or, they can resign from the union.

⇨ The National Labor Relations Act, as definitively construed by the Supreme Court in <u>Communications Workers v. Beck</u>, assures that no employee can be required, over objection, to pay dues to be used for a union's political communications or voter registration/get-out-the-vote campaigns aimed at members, or any other expenditures by a union for political and ideological purposes unrelated to collective bargaining.

⇨ To assure that no employee is compelled to support a union's political or ideological activities, the National Labor Relations Board had held that a union which seeks to collect fees from non-members must notify those nonmembers of their right to object to paying for such activities and their right to pay a reduced fee based upon the union's cost of activities germane to collective bargaining. The NLRB has further held that the union must provide nonmembers with sufficient information about the union's activities to enable the nonmember to decide whether to object. Any nonmember who believes that he or she is being required to support union activities unrelated to collective bargaining or who believes that the union's procedures do not afford an adequate opportunity to avoid paying such support has the right either to file a complaint with the NLRB or to go directly to court. In such cases, the NLRB and the federal courts will decide whether the particular procedures the individual union has developed are legally adequate.

2. Unions have a First Amendment right to express political views to their members as do corporations and any other organizations.

⇨ Section 441b of the Federal Election Campaign Act prohibits corporate and union treasury money contributions and expenditures in connection with federal elections subject to certain exceptions. The exceptions permit both labor organizations and corporations to spend general treasury money for political advocacy communications to their members and their families or shareholders, executive and administrative personnel and their families; voter registration and get-out-the-vote drives aimed at the same individuals; and the costs of establishing, administering and soliciting voluntary contributions to their political action committees.

⇨ The exceptions to the ban on union treasury money spending reflects a Congressional recognition that unions have a constitutional right and a duty to share their views on political issues with their members. In drafting Section 441b, Congress recognized that any attempt to interfere with a union's or other membership organization's right to express political views to its members would infringe on protected First Amendment rights.

⇨ The Supreme Court, in its 1988 decision in Communications Workers of America v. Beck and in earlier decisions, states that the proper rule of law balances majority and dissenting opinions. The Court warned that "the majority also has an interest in stating its views without being silenced by dissenters." Attempts to stop union activity would upset the Court's balance by imposing limitations well beyond those required by Beck.

3. Workers in unions are already protected by more financial disclosure requirements than are members of any other organizations or corporations.

⇨ The Federal Election Campaign Act requires all membership organizations, including unions and membership corporations, to report their dues money/treasury money expenditures for membership communications that expressly advocate the election or defeat of a clearly identified federal candidate to the FEC once the cumulative cost of these communications exceeds $2,000 for the primary election period or $2,000 for the general election period. This reporting requirement applies to all forms of membership communications -- mailings, newsletters, phone banks and leaflets -- and to every level of every labor organization -- local union, central body, international union, and federation.

⇨ The FEC also requires national party committees to report information about any "soft money" donated to the party's nonfederal account in excess of $200 from any labor organization, corporation or individual.

⇨ Unions also have to disclose the amounts that they spend on political communications and activities on their federal tax reports and their annual reports to the Labor Department.

⇨ According to an October 1996 study by the non-partisan Center for Responsive Politics, business outspent working families in the 1996 election cycle by seven-to-one [the final ratio of business to working family spending will probably come in even higher]. "In terms of total dollars, business money swamped all other sources. In all, the Center tracked $242 million in donations from business groups (as of June, 1996) -- nearly seven times more than the $35 million that came from labor and more than 20 times the $10.6 million by ideological groups." [Center for Responsive Politics release, "Financial Sector Leads Political Spending, Business PACs Slash Democrats as Election Fundraising Shatters Records," 10/17/96]

4. The AFL-CIO's 1996 grassroots lobbying campaign focused on legislative issues.

⇨ Responding to the extraordinary crisis of declining wages and living standards in America, the AFL-CIO this year launched an unprecedented grassroots campaign to educate and mobilize working families around priority legislative issues. The campaign was a continuation of a long-term effort to put working family issues in the forefront of the national debate, to inform working Americans about elected officials' voting records on legislative issues and to persuade elected officials to adopt a more pro-worker position on the issues.

⇨ As part of this grassroots education and lobbying effort, AFL-CIO coordinators located in Congressional districts worked to activate union members and their families, recruit volunteers, conduct trainings and organize lobbying activities, letter writing, phone campaigns, leafleting at worksites around legislative issues.

⇨ In the fall, the AFL-CIO also sponsored television voter guides and produced a written voter guide that informed working men and women about candidates' positions on issues.

⇨ The AFL-CIO also communicated directly with union members on such issues as minimum wage, health care, education and tax fairness through mailings and union phone banks.

⇨ Neither the AFL-CIO's legislative ads nor its voter guides contained any election-related message, such as "vote for" or "defeat".

⇨ The AFL-CIO has a constitutional right to spend treasury money to communicate with its members and the public on legislative issues and issues of public policy. The Supreme Court has repeatedly ruled that "issues advocacy may not be regulated by the Federal Election Campaign Act and that the Act may not be applied in a way which restricts organizations from making issue advocacy communications.

5. Union members overwhelmingly supported the AFL-CIO's activities, and members from both political parties strongly support the AFL-CIO's national issues agenda.

- On March 25, 1996, the member unions of the AFL-CIO voted to allocate 15 cents per member per month to the campaign. This was not a dues increase on union members; an additional share of existing resources was devoted to education, training and mobilization around the issues that concern working families most. The assessment raised $25 million, which was combined with other funds to create a $35 million budget for education -- including radio and television advertising -- on issues and candidates' positions and voting records.

- The special assessment was adopted through a democratic process -- a vote at a special convention of the AFL-CIO.

- Union members also overwhelmingly supported the AFL-CIO's activities in 1996, according to the August Hart Research survey.

  90 percent of all union members surveyed approved of "communicating with union members about the importance of this year's elections, and encouraging them to vote." 95 percent of union members who planned to vote for a Democrat for Congress; 89 percent of union members who planned to vote for a Republican for Congress; and 84 percent of undecided union members approved.

  88 percent of all union members surveyed approved of "urging members to contact their member of Congress by phone or letter on issues important to unions and working people." 92 percent of union members who planned to vote for a Democrat for Congress; 84 percent of union members who planned to vote for a Republican for Congress; and 83 percent of undecided union members approved.

  84 percent of all union members surveyed approved of "providing voter guides to union members that compare the positions of candidates on key union issues." 92 percent of union members who planned to vote for a Democrat for Congress; 76 percent of union members who planned to vote for a Republican for Congress; and 76 percent of undecided union members approved.

⇨ A solid majority of union members also supported the way the AFL-CIO campaign was funded, according to the August survey. By 71 percent to 25 percent, union members said they approved of using one dollar and eighty cents from their regular dues on a one-time basis to educate and inform union members about issues and the election. 81 percent of union members who planned to vote for a Democrat for Congress; 67 percent of undecided union members; and 56 percent of union members who planned to vote for a Republican for Congress approved.

⇨ A solid majority of union members across party lines approved of the AFL-CIO's positions on the issues that were the focus of the campaign, according to an August 2-4 survey conducted by Peter Hart Research. 86 percent of all union members surveyed approved of unions "fighting to increase the minimum wage." Within that 86 percent, 93 percent of union members who planned to vote for a Democrat for Congress; 86 percent of undecided union members, and 73 percent of union members who planned to vote for a Republican approved of the fight for the minimum wage.

86 percent of all union members also approved of unions "fighting to protect Medicare from large cuts that would raise costs for seniors." 94 percent of union members who planned to vote for a Democrat for Congress, 86 percent of undecided union members, and 70 percent of union members who planned to vote for a Republican for Congress approved.

⇨ A solid majority of union members across party lines want their unions to stay involved in the legislative and political process, according to Hart Research's post-election survey.

75 percent of all union members surveyed approved of unions investing "time and money in politics and legislation today, to counter the influence that corporations and wealthy special interests have." 83 percent of union members who had voted for a Democrat for Congress and 60 percent of union members who voted for a Republican for Congress approved.

⇨ There is, in fact, no basis for saying that 40 percent of union members are Republicans. This statement is a fabrication with no support for it. It is based on a distortion of exit polling done by the Voter News Service during the 1994 election. VNS reported that 39 percent of voters who said there was a union member in their household said they voted for a Republican for Congress in that election. In 1996, VNS reported that number had dropped to 35 percent.

⇨ What percent of union members actually consider themselves Republicans? About half of what Republican leaders claim, according to a survey conducted Nov. 6 and 7 by Peter D. Hart Research Associates among 811 members of AFL-CIO unions who said they voted for president and Congress in the Nov. 5 elections. In response to the question, "Regardless of how you may be registered, how would you describe your overall point of view in terms of the political parties? Would you say you are mostly Democratic, leaning Democratic, completely independent, leaning Republican or mostly Republican?" The total Republican response was 21 percent.

KEY POINTS TO MAKE IN OP-EDS AND OTHER WRITTEN COMMUNICATIONS

- False charges by Republican leaders that unions are misusing their members' dues for political action are just the latest in a series of retaliatory attacks against unions for their new activism to build a stronger voice for America's working families.

- The true purpose of Congressional attacks against America's unions is not to stand up for workers' rights or protect a minority, but rather to silence the voice of the majority.

- Unions are majority-rule organizations. They wouldn't be there if a majority of workers hadn't voted for them. Unions speak for the group because they have been democratically selected and they are democratically controlled. Federal law guarantees both of these points.

- As for the minority -- they're fully protected. No one can be forced to join a union; and the union has to fairly represent both members and non-members exactly alike. It can't discriminate. And while non-members can be required to pay their fair share of collective bargaining expenses, they cannot be compelled to contribute to any other union activities or expenditures. (Provisions to enforce this are already set out in the Beck decision, outlined below.)

- Union members make these decisions with their eyes wide open because their unions comply with more financial reporting requirements than any other organizations in the United States -- including the American Medical Association, the American Bar Association, the Chamber of Commerce and corporations.

- The Supreme Court, in a series of decisions, has recognized that a balance needs to be struck between majority and minority interests. In those decisions, the Court articulated steps that should be taken to protect majority and minority interests with respect to union expenditures and everyone paying their fair share of collective bargaining costs. Communications Workers of America v. Beck, which the Supreme Court decided in 1988 is the most often referred to of these cases.

- The National Labor Relations Board recently issued comprehensive decisions that apply the lessons of these Supreme Court decisions. The NLRB has carefully delineated all the steps that unions must take in this regard..Legislative proposals that would impose new restrictions on unions in the name of workers' rights would upset the carefully crafted balance that already exists and would deprive the majority of their rights.

- Contrary to claims that the Bush Administration enforced the law and the Clinton Administration has backed off, the Bush-appointed National Labor Relations Board sat on the 1988 Supreme Court Beck decision and failed to implement the ruling protecting minority rights within labor unions. By contrast, the NLRB headed by William Gould, a Clinton appointee, is moving ahead and actually enforcing the Supreme Court decision.

- Real campaign finance reform must take into account the whole picture -- not simply attack America's unions. Corporate interests are now -- and always have been -- outspending labor in all areas of politics, including PAC and individual campaign contributions and so-called "soft' money contributions. The Center for Responsive Politics in October reported that business spending had exceeded labor contributions by 7 to 1 during the '96 election cycle. The AFL-CIO supports campaign finance reform that creates a more level playing field between small contributors such as union workers and wealthy corporate interests.

TESTIMONY OF MARK SCHNEIDER, ASSOCIATE GENERAL COUNSEL OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO, BEFORE THE SUBCOMMITTEE ON EMPLOYER-EMPLOYEE RELATIONS, HOUSE COMMITTEE ON ECONOMIC AND EDUCATION OPPORTUNITIES ON ASSESSMENT OF UNION DUES

April 18, 1996

My name is Mark Schneider, and I am Associate General Counsel of the International Association of Machinists and Aerospace Workers, AFL-CIO, which is commonly known as the Machinists Union. As part of my responsibilities in the General Counsel's office, I oversee the union's compliance with the mandate of Communications Workers v. Beck, 487 U.S. 735 (1988). I am also the lawyer who represented the Machinists Union in the California Saw litigation at the National Labor Relations Board. I would like to thank you for the opportunity to participate in this morning's hearing.

My understanding is that this Committee is considering compliance issues under Beck, the same set of issues that were the subject of the California Saw case. As the attorney who litigated those issues for the union, I thought it would be helpful briefly to describe what it is our union does to comply with the Beck decision, and in that context to describe as well the NLRB's California Saw decision and its treatment of the Machinists Union's compliance efforts. I would then be happy to answer any questions the Committee might have about the Machinists Union Beck program or the California Saw decision.

The Legal Background

In Beck, the Court held that, while Section 8(a)(3) of the National Labor Relations Act permits the negotiation of "an agreement requiring all employees in the bargaining unit to pay periodic dues and initiation fees," that statutory provision does not "permit[] a union, over the objections of dues-paying nonmember employees, to expend funds so collected on activities unrelated to collective bargaining, contract administration, or grievance adjustment. . . ." 487 U.S. at 738. That decision is solely concerned with whether nonmembers have a right to object to the expenditures of their fee payments on activities unrelated to collective bargaining. It does not address how unions should go about accommodating this right.

There has been a great deal of litigation on compliance questions in the wake of Beck, and the National Labor Relations Board in California Saw recently has ruled on many of the outstanding compliance issues. And, I would add, these compliance questions have generated a certain amount of political controversy. I will state my union's position on some of these compliance questions in what follows.

Before I undertake such an explanation, however, it may be helpful to make clear what is -- and what is not -- at issue in this debate over the steps unions should take to comply with the Beck decision. Without denigrating the importance -- both to the union and to the dissenter -- of these procedural rules, there is some risk in this debate that the forest is being lost sight of for the trees. In particular, it has been suggested that this debate over the appropriate enforcement of Beck has something to do with "voluntary unionism." Nothing could be further from the truth.

In fact, under the law unions are and have always been voluntary associations, and through a series of legislative enactments and Supreme Court decisions, most of which long pre-date Beck, that voluntariness is firmly rooted in the law. In this regard I would like to stress the following basic propositions, none of which are at issue in this debate over Beck compliance.

First, workers in both the public and the private sector are free to join a union or not to join a union. It is flat out unlawful to restrict an employee's choice in this regard. If by "compulsory unionism" it is suggested that employees today are being compelled to become union members, that is simply not so.

Second, if workers choose to join a union, their democratic rights within the union are guaranteed by law. From the earliest days, workers through their unions have engaged in political activity funded out of the dues union members pay. But union members have complete control over the way this money is spent. In particular, if they don't like the way the union is spending its money, they have the right to speak out against it, and the right to persuade their fellow workers to change the union's priorities. They have the right to run for union office and through the electoral process change the union's priorities. Further, if the union proposes a contract with the employer (where allowed by state law) whereby each bargaining unit member is required to provide his or her share of financial support for the bargaining representative, the members in most instances have a right to vote to accept or reject that contract. And even where such a clause is ratified, the workers are guaranteed the right to vote to excise the union security clause from the agreement in an NLRB-conducted "deauthorization" election. 29 U.S.C. § 159(e)(1). Finally, if a member fails to persuade a majority of his colleagues on any of these points, he is at all times free to resign his union membership, regardless of whether a union security provision is part of the labor agreement.

Third, the Federal Election Campaign Act requires unions publicly to report their dues money expenditures for membership communications that expressly advocate the election or defeat of a candidate for federal office whenever the cumulative costs of such communications exceeds $2000. And of course direct contributions to candidates cannot be made out of dues money at all, and union PAC expenditures are also subject to rigorous disclosure and reporting rules. Unions do not undertake their political work behind the backs of their members.

And finally, to return to Beck, employees subject to union security clauses are free to insist that their fee payments fund only those union activities that are, in the Supreme Court's words, "germane to collective bargaining," and not to fund lobbying, political, or other activities of an ideological nature. In other words, no employee represented by a union can be required over his or her objection to financially support union political efforts.

Each of these propositions is settled law, and none of them are in my understanding the subject of any ongoing political debate or discussion.

What is at issue is the far more modest question of how the last of these protections -- the right to object to the funding of activities not germane to the collective bargaining process -- should be implemented by the unions. It is to that issue I will now turn, by describing how the National Labor Relations Board has enforced the Supreme Court's mandate in Beck., and how the Machinists union has implemented the Beck decision.

The NLRB's Enforcement of *Beck*

Soon after the Beck decision, the NLRB General Counsel issued a comprehensive memorandum interpreting the precedent and began prosecuting cases against unions that did not comply with each aspect of the GC's compliance rules. NLRB General Counsel Memorandum, GC-88-14 (Nov. 15, 1988). Just recently, the Board itself issued an exhaustive description of the duties imposed on labor unions by Beck. California Saw &

Knife Works, 320 NLRB No. 11 (1995). In many respects that decision adopts the compliance rules first laid out by the General Counsel in 1988. Many of these same rules in the intervening years have also been adopted by the federal courts resolving Beck compliance questions.

If the Committee has any questions about the details of the NLRB California Saw decision -- or the various court rulings that our union must honor, I will be happy to answer them. For purposes of this statement, I would observe only that the union won some of the issues presented in California Saw, and lost some others. And while the NLRB in that decision does not purport to lay down one specific Beck compliance program that every union must follow, it did impose quite specific and rigorous requirements on all unions, and also imposed still further specific rules that a union that has a Machinist-type program must follow.

By way of example, the Board ruled that every union must give each non-member employee, and virtually all new hires in a shop covered by a union security clause, specific notice of his or her Beck rights. It ruled that a union may not make the objection process any more burdensome than dropping a letter in the mail. It ruled that employees who object must be given a breakdown of union expenditures in sufficient detail so that they can challenge the union's calculation of the reduced fee. Under the Machinists' system, copies of the entire Beck audit then have to be provided to every objector who decides to challenge the fee. And the Board laid down specific rules about the kind of accounting that must be done to support the union's Beck calculation. In sum, while there are still some unanswered questions in the compliance area (many of which will be resolved in cases now pending before the Board), much of the work has been done.

I hasten to add that the final word on California Saw has not yet been spoken. Both sides are appealing various issues to the courts of appeals, and so the courts will pass on much of what the Board has done. From the union's point of view, we are most troubled by the ruling that the Board has the authority to require any party subject to its regulatory power to post notices of statutory rights whenever the Board feels that such notices would serve a salutary purpose, even in the absence of any finding that anyone has violated any law. Such a broad view of the Board's remedial powers of course threatens both employers and unions alike, though in this case in our view the Board's focus is most unfairly unbalanced -- unions must post notices of employees' rights to quit the union and become dues objectors, while employers are not required to post a parallel notice informing employees of their right to join a union.

However that and other issues are decided by the courts of appeals, I would like to close by emphasizing the substantial regulatory burdens that are already imposed on unions and on our union in particular. In passing I should note that, unlike many supplicants who appear before legislative committees these days on regulatory matters, we do not come here seeking relief from these burdens. But as the Committee considers the current state of Beck compliance, it should know the considerable obligations already imposed upon our union in this regard.

Each year we notify all of our represented employees through a notice in our newspaper at the end of each year that if they wished to become dues objectors the following year, they should make that request in writing to our General Secretary Treasurer in

Washington, D.C. Because we require that objection requests be submitted to a particular union officer during a particular one-month "window period," we felt that fairness required that we provide notice to all of our represented employees on an annual basis describing these requirements.

In that notice we also advise our represented employees of the size of the reduction they should expect, and of the kinds of expenditures they will no longer fund if they choose to become objectors. We also advise them that if they choose to become objectors, we will provide them with a breakdown of union expenditures in sufficient detail for them to understand what activities they are funding, and what activities they are no longer funding, pursuant to the union's calculation. Finally, we advise them that if, after reviewing this material, they wish to challenge the union's allocation, the union will provide them with the complete audit that supports its calculation, and so armed give them the opportunity to make that challenge before a neutral arbitrator selected by the American Arbitration Association. At that arbitration the union bears the burden of justifying its expense allocation, and agrees in advance to be bound by the arbitrator's decision.

In order to fairly allocate union expenditures, every union staff member keeps contemporaneous records of his or her time, on forms specially prepared for Beck purposes. On these records, employee time is broken down into various categories, such as, for example, "attending union meetings," "legislative activities," "grievances and arbitration" and so on. From these time sheets, accountants determine how much of the time of each of the union's departments is properly chargeable to objectors, and how much is not. Accountants then take the C.P.A. audited expenditure figures from the union's general ledger, and allocate expenditures in accordance with the percentages derived from the time records. A summary of this material then is provided to every dues objector, and the complete audit is provided to any objector who requests a copy and wishes to challenge the union's conclusion in the neutral arbitration.

Each year, during this objector cycle, the union escrows a sufficient sum of money to assure that should it be determined by an arbitrator that it has not provided a sufficient reduction, any difference will be covered by the escrow account. In that way, objectors are assured that not a penny of their money will even inadvertently be spent on matters not germane to the collective bargaining process.

In sum, under the regime established by the Board, and in place at our union, employees are fully aware of their Beck rights and have every opportunity to exercise them in a meaningful manner. The union's Beck compliance program -- for the most part required by law -- has imposed substantial burdens on the union. And we most emphatically believe that if any modification of the existing rules is in order, it would be in the direction of less regulation, and not more.

In closing I would like to emphasize one other matter. The discussion over the appropriate procedural rules to implement Beck is a discussion that in practical terms is a discussion over extremely small sums of money. Union dues in the Machinists Union is something like \$25-\$30 each month. The reduction owed a dues objector is routinely something in the nature of 20% of that amount -- only a small portion of which, I hasten to add -- relates to expenditures for political activity. A disagreement over the appropriate safeguards that should be in place to assure the accuracy of the union's reduction calculation -- whether it is properly 19% or 20%, or how to structure an arbitration system that fairly gives an objector the opportunity to claim it that the reduction is properly a percentage higher than claimed -- is literally a dispute over pennies. Without disparaging in any way the importance of the ongoing discussion about the implementation of Beck or the merits of one or the other holdings of the NLRB in California Saw, I would respectfully suggest that there are matters within the jurisdiction of the NLRB of far more critical importance to the workers we represent, and, for that matter, to the employer community, that are not getting the attention that Beck compliance has achieved, and I look forward to the day when these other critical issues are given the attention they deserve.

I would be happy to answer any additional questions about the Machinists Beck program or other related matters. I thank the Committee for soliciting our views on this subject.

#96-15

TESTIMONY OF JAMES B. COPPESS
ON BEHALF OF THE COMMUNICATIONS WORKERS OF AMERICA

BEFORE THE

HOUSE ECONOMIC AND EDUCATIONAL OPPORTUNITIES COMMITTEE
SUBCOMMITTEE ON EMPLOYER-EMPLOYEE RELATIONS

ON

H.R. 3580, THE WORKER RIGHT TO KNOW ACT

JUNE 19, 1996

TESTIMONY OF JAMES B. COPPESS
ON BEHALF OF THE COMMUNICATIONS WORKERS OF AMERICA

My name is James Coppess. I am here today as a representative of the Communications Workers of America. I have advised that union on how to comply with the Supreme Court's decision in Communications Workers v. Beck, 487 U.S. 735 (1988), and I have represented the union in a number of cases challenging its compliance with that decision. On behalf of myself and CWA, I would like to thank you for this opportunity to discuss H.R. 3580.

The legislation under consideration rests on the premise that unions acting as collective bargaining representatives do two things, one of which is necessary and proper for a collective bargaining representative to do and the other of which has nothing to do with carrying out that representative responsibility. The first is called collective bargaining over terms and conditions of employment. The second is called political activity. With all due respect, the premise that the first of these activities has nothing to do with other has no basis in the real world.

Justice Felix Frankfurter, who was a great student of labor history, understood that no such distinction could be drawn. Addressing this very point, Justice Frankfurter noted, "It is not true in life that political protection is irrelevant to, and insulated from, economic interests. It is not true for industry or finance. Neither is it true for labor." Machinists v. Street, 367 U.S. 740, 814-815 (1961)(dissenting opinion). For just this reason, said Justice Frankfurter, "To write the history of the [Railroad] Brotherhoods, the United Mine Workers, the Steel

Workers, the Amalgamated Clothing Workers, the International Ladies Garment Workers, the United Auto Workers, and leave out their so-called political activities and expenditures for them, would be sheer mutilation." Id. at 800.

The same point was reiterated by Supreme Court, when, citing Justice Frankfurter's observations, it held that the NLRA protects workers when they engage in concerted political activity to protect their interests as workers. Eastex, Inc. v. NLRB, 437 U.S. 556 (1978). See id. at 566 n. 16 (citing Justice Frankfurter's opinion). As Justice Powell put it, in his opinion for the Court, the Wagner Act "Congress knew well enough that labor's cause often is advanced on fronts other than collective bargaining and grievance settlement within the immediate employment context." Id. at 565.

A good example of the interrelation between collective bargaining and political action is the recent controversy over the NLRB's proposed rule on single facility bargaining units. As the Wall Street Journal put it, the "organized opposition" to this modest proposal "reads like a Who's Who in the fast food industry...." WSJ, p. B2, March 6, 1996. The Journal explained that "the restaurant industry has emerged as a lobbying powerhouse among GOP lawmakers," by virtue of having "given millions to Republican causes," both through "restaurant-industry political action committees" and through contributions of "soft money to the GOP for party-building activities...." Id.

As the members of this Subcommittee know, this strategy on behalf of what the Wall Street Journal calls the "now-powerful National Restaurant Association" worked. WSJ, p. B2, March 6, 1996. As the Journal describes the situation, "House Republicans and small-business advocates [took] aim at [this] proposed rule," which was thought to "make it easier for labor unions to sign up low-wage service employees," id., with the result that they have at least temporarily stopped the Board from even giving further consideration to the proposal.

As this little parable illustrates, there is no constitutional guarantee of a free collective bargaining system, no law of nature that assures organized workers a fair opportunity to protect and improve their wages and working conditions. And there is, in this society, a strong, well-financed and determined force opposed to such a free and fair labor relations regime -- the business community in its many guises, such as, the National Association of Manufactures, the Chamber of Commerce, and the National Restaurant Association.

The National Labor Relations Act and the various laws setting minimum labor standards did not just happen. They represent the fruits of hard political work. Business knows this, and it knows that political action is the best way to blunt these measures and to ward off other laws advancing workers' interests. A union that does not tend to this reality is not meeting its most basic responsibility.

While the reader of H.R. 8530 would never guess as much, unions make no secret of their political efforts.

As a result, workers know that unions attempt to advance the interests of those they represent through political action. Workers know that when they vote for union representation. Workers know that when they vote to approve collective bargaining agreements containing union security clauses requiring everyone to pay their fair share for representation. And workers know that when they vote on the level of dues they are willing to pay and on the leaders who will set their union's agenda.

Workers make these decisions with their eyes wide open about union political activity -- as to both the fact of such activity and its cost. Indeed, unions are required to disclose more about their finances than any other organization of which I am aware. And, if the membership wants more information, it is free to elect leaders promising such or to amend their organization's constitution and bylaws to so provide.

Anyone who claims that unions could pursue the political course they have consistently followed without substantial majority support is willfully misunderstanding the relationship between elected leaders and representatives and their constituency.

Having said all of that, it is also to the point that the federal law does not leave protection of workers' interest in the realm of political activity only to the safeguard of majority rule. In addition to guaranteeing that the majority has sufficient information and sufficient participatory rights to make it's will felt, the law provides protections for individuals who differ with the majority's decisions.

No worker can be forced to join a union as a condition of employment. And no worker who refrains from membership can be forced to contribute either to a union's partisan political activity or to its ideological activity unrelated to collective bargaining. And even those who voluntarily join the union are given a completely free choice as to whether they will contribute to the union's political action fund.

Against that background, what exactly is H.R. 3580 about? Is it about protecting workers against compelled support for union political activity? Given the current law and its protections, the answer has to be "no." Rather, what H.R. 3580 is about is placing new and onerous restrictions on union political activity that have nothing to do with protecting objectors' rights.

The bill itself almost says as much, declaring in its statement of findings a dissatisfaction with the Supreme Court's decision in Beck, calling the rights stated there of "diminished ... meaningfulness." H.R. 3580, Sec. 2(3). The source of this dissatisfaction with Beck is with the balance between majority and minority interests struck by the Supreme Court in framing the right to dissent under the federal labor laws.

The Supreme Court, in the line of cases that starts from Machinists v. Street and go through Beck, has sought "[t]o attain the appropriate reconciliation between majority and dissenting interests" by "protect[ing] both interests to the maximum extent possible without undue impingement of one on the other." 367 U.S. at 773. In this regard, the Supreme Court has warned that "the majority also has an interest in stating its views without being silenced by the dissenters." Id.

Obviously, the balance struck by the Supreme Court will be unsatisfactory to anyone interested in seeing that the majority is effectively silenced by preventing it from stating its views through the union.

H.R. 3580 punishes unions that engage in political activity. The bill effectively bars workers from joining such unions unless they annually restate their support for the union's political program. And it imposes onerous accounting requirements that would cost unions upwards of $200 million a year. Under the bill, the only way for a union to escape these measures is to foreswear any political activity.

To be sure, H.R. 3580 does make a nod toward the right to dissent framed by the Supreme Court in Beck and Street. Thus, the "findings" section of the bill complains that "[l]ittle action has been taken by the National Labor Relations Board to facilitate the ability of employees to exercise their right to object...." H.R. 3580 Sec. 2(2). And one of the bill's self-described purposes is "to remove obstacles to the ability of working people to exercise their right to object...."

The bill's complaint about NLRB inaction in enforcing Beck is totally unfair to the NLRB General Counsels appointed by Presidents Reagan and Bush, who labored mightily to enforce the Court's decision from the day it was announced. Within months of the Court's decision the NLRB General Counsel issued a comprehensive statement of what she believed necessary for a union to comply with Beck. NLRB General Counsel Memorandum, GC-88-14 (Nov. 15, 1988). I can testify from personal experience that the NLRB Regions vigorously prosecuted unfair labor practice charges alleging Beck violations and insisted upon compliance with the General Counsel's interpretative guidelines. Many features of the CWA objection procedure were implemented at the insistence of the NLRB General Counsel. The present General Counsel, appointed by President Clinton, has continued the course set by his Republican-appointed predecessors in prosecuting Beck unfair labor practice charges.

As for the Board itself, under a Republican-appointed Chairman it conducted extensive rulemaking proceedings regarding the requirements of Beck. It is true that the Republican-appointed Board did not actually issue any final regulations. But the current Democratic-appointed Board has acted promptly to issue a comprehensive fifty page decision that carefully delineates what is required of unions under Beck. California Saw & Knife Works, 320 NLRB No. 11 (1995).

The CWA Beck procedure complies with the NLRB General Counsel guidelines issued in 1988, as well as with the comprehensive NLRB decision issued at the end of last year. A brief review of the procedures adopted by this one union in compliance with current law will concretely demonstrate that H.R. 3580's stated goal of "remov[ing] obstacles to the ability of working people to exercise their right to object," Sec. 3, has already been met.

Helen Gibson, who is in charge of handling objections for the

CWA, will describe the union's procedures. But before she does so, its bears noting that, as is true of businesses, labor unions vary in size, structure, and circumstance. CWA has adopted a method of handling objections that works for this particular organization and the workers it represents. But other unions may well find different ways of meeting their obligations.

When H.R. 3580 is read against the background of what the current law provides, its effect and meaning become quite clear. This bill is intended to upset the balance between majority and minority interests that has been carefully set in a long line of Supreme Court precedents. Taken on its own terms, it is a punitive measure meant to silence the organized voice of working Americans. And considered in the context of election year politics, it is a retaliatory slap at the labor movement for daring to interject the interests of working Americans into the debate about the future course of our country.

Clinton Presidential Records
Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

Divider Title: **Beck Amendment**

THE WHITE HOUSE
WASHINGTON

49

This is
Lott

Y#11 1

AMENDMENT NO. _____ Calendar No. _____

Purpose: To guarantee that contributions to Federal political campaigns are voluntary.

IN THE SENATE OF THE UNITED STATES—105th Cong., 1st Sess.

AMENDMENT № 1258

A bill to reform **By** LOTT

Bill/Res. No S. 25

Referred and orde

2 **Page(s)**

Amendm

GPO: 1996 25-891 (mac)

Viz:

Strike all of section 501, ~~from page ___, line ___ to page ___ line ___~~, and insert the following:

SEC. 501 PAYCHECK PROTECTION ACT.

(a) IN GENERAL.– Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful–

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activities in which the national bank or corporation, as the case may be, is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activities.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time.

"(3) For purposes of this subsection, the term `political activities' includes communications or other activities which involve carrying on propaganda, attempting to influence legislation, or participating or intervening in any political campaign or political party."

Mr. LOTT. Mr. President, also, I note that this is done two or three times a year and certainly is not unprecedented.

I hope no one will characterize this amendment as a ``poison pill" for campaign finance reform. It is so fundamental to fairness in the campaign process. Shouldn't workers in America be able to have some say about how their fees, assessments, or dues are used in political campaigns? I think the answer truly should be yes.

Some of our colleagues may not want to expose, much less vote on, one of the worst campaign abuses that exists--compulsory business or union dues--but that is no reason for them to suddenly change their position on campaign finance reform as a whole.

Most Americans would be shocked to learn that some workers in our Nation are forced to contribute to a candidate or campaign they don't support or do not know anything about. They have no way of directing where those funds go.

Because of that abuse, this amendment, the Paycheck Protection Act, is an essential element to genuine campaign reform. It requires that all political contributions be voluntary.

The McCain-Feingold bill places restrictions on political parties, bans soft money, and curbs the activities of grassroots organizations. But it contains a giant loophole: It allows corporations and unions to confiscate money, for political purposes, from their employees' and members' paychecks without getting their permission. This loophole must be closed.

Senator McCain himself stated that he ``personally supports much stronger [Beck] language." He said he ``believes that no individual--a union member or not--should be required to contribute to political activities." This was on a floor statement of September 26, 1997.

The McCain-Feingold bill limits what people can voluntary contribute for political purposes, but it does not protect people from being forced to contribute involuntarily to political campaigns.

We must require unions and corporations to get a worker's permission before taking money out of his or her paycheck for political purposes.

As I have said before, my own father was a union member. This amendment is not targeted at unions. It is, as a matter of fact, directed at affecting both unions and corporations as well.

No worker--whether union or corporate business, large or small--should be forced to contribute against his or her will, as a condition of their employment.

Many workers don't want to pay and be involved in campaigns or in politics, and many of those don't want to be told what they have to do and don't want to have their funds taken from them without their permission.

A recent poll of union members revealed that 78 percent did not know they had the right to stop paying for politics.

A 1996 poll of union members found that 62 percent opposed the AFL-CIO's expenditure of over $35 million--and probably much more--of their money in a campaign to control Congress.

No worker should be forced to pay for politics that they do not support. As such, I hope Senators will support my amendment.

There will be plenty of time to debate this amendment and other amendments, and then we will design a process to have some votes to see where the Senate stands on this and other issues.

I yield the floor.

Mr. McCAIN. Mr. President, very briefly, reluctantly, I must oppose the amendment before the Senate. I do so not because I disagree with its intent. In fact, I strongly support what it seeks to do. But, as with all difficult choices, a decision must be made. In this case, I must decide that passage of overall campaign finance reform must be the Senate's first goal. The cosponsors of the modified bill recognized that something must be done about enforcing the Beck decision.

S. 25, our original bill, was silent on this point. We chose in the modification to take the important step to codify Beck. This step was not taken lightly, and it should not be discounted by those who want more. The fight with my friends on the other side of the aisle over this issue loomed large for some time. To be frank, this was certainly one of the most contentious issues we faced. In fact, inclusion of Beck language in the bill nearly fractured our bipartisan coalition. However, in the end, all involved came to the same conclusion that I have today. We must put the goal of overall campaign finance reform first. By this I do not mean to say that workers' rights issues are second to any other subject. They are extremely important and are long overdue in being addressed, but now is the time to debate campaign finance reform. We can turn to other subjects in due time.

Mr. President, in the modified bill, we seek to codify the landmark 1988 Supreme Court Beck decision. President Bush did this by Executive order in 1992 to the applause of the right and a condemnation of the left and the unions. It was the right thing to do then, and it is the right first step now.

Unfortunately, as we all know, elections have consequences, and after winning the White House, President Clinton soon reversed course and repealed President Bush's Executive order. This bill would effectively reverse the actions of President Clinton. The bill would require that all labor unions give notice to nonunion individuals who are forced to pay agency fees annual notice of their Beck rights. Such notice would occur by mail and must inform the worker how much money he or she could receive. Again, this notification must occur each and every year.

If an employee chooses to utilize his or her rights, an employee would be able to notify the union of such action by mail and have his or her fees reduced accordingly. The Beck decision does not affect labor's contributions to candidates from its PAC. The law already restricts dues and fees from being used for any PAC activity. The codification of Beck contained in the modified bill is not inconsequential. An estimated 3 million of 19 million individuals working under labor contracts are in union or agency shops where they must pay union fees even though they are not members. If nonunion employees chose to invoke their rights, unions would have to return up to $2.4 million a year.

On April 14, 1992, after President Bush issued his Executive order, the Cleveland Plain Dealer reported:

> ``Unions in truth have not been complying with Beck," said Robert Duvin, a Cleveland lawyer who represents management on labor issues. ``It's a joke. I am not saying workers don't get their money back. Unions are not keeping the kind of accounting they should."

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The language in the modified bill will go far to stop this ``joke." It will make clear that Beck is the law of the land, that it must be complied with, and that the status quo is no longer acceptable.

As I noted, in 1992, when President Bush took this action, it was widely applauded by Republicans as a good first step, and I admit it is exactly that, a good first step, not comprehensive action. Just as the bill before the Senate is not all that I would want, it, too, is only a good first step. In both cases we must not let perfect be the enemy of the good. I hope that we can quickly resolve this issue. Now is not the time for a debate on labor policy. This amendment should be offered on other legislation. I would strongly support debate on a freestanding bill. Perhaps all my colleagues could agree to move to Senator Nickles' Paycheck Protection Act immediately after debate on campaign finance reform. I challenge my Democratic colleagues to come to the floor and pledge to allow the majority leader to bring the Nickles' Paycheck Protection Act to the floor and to allow for full debate in the regular order. Just as we are debating campaign finance reform, we could have a healthy debate on labor law, and that is the best way to deal with this issue.

Again, I urge my colleagues to work out a solution to this matter that does not jeopardize passage of campaign finance reform. Both sides of the aisle must come to an agreement to deal with this subject without engaging in a filibuster. A filibuster at this time will doom campaign finance reform. There will be plenty of blame to go around if such action occurs. I hope the public will understand that any prolonged debate at this time is designed solely to kill campaign finance reform. If we can't come to some agreement to bring this matter up freestanding, then I hope my colleagues will allow us to vote on the matter. Let the will of the majority of the Senate prevail. Then we can and must continue under the regular order and proceed with other amendments. We should not let the prospects for passage of campaign finance reform come crashing down based on the first amendment offered.

Let me point out again, Mr. President, I think we ought to go ahead and vote on this amendment, dispose of it and move forward. I hope that we can do that soon, since it is an issue that is fairly well known to most of my colleagues.

Mr. President, on Friday, we began a historic debate on the issue of campaign finance reform. The Senate heard from many Members who feel very passionately on this subject. The Washington Post characterized the debate as having ``rare passion and eloquence,'' and that goes on both sides of this issue. I think it is a tribute to the nature of this body that such a debate is now occurring. We must not allow this opportunity to be lost. I urge the Senate to move forward with debate on campaign finance reform and resolve this unrelated labor debate as soon as possible.

Threat Is Seen to Campaign-Finance Bill

Republican Amendment Would Undercut Union Fund-Raising

By ERIC SCHMITT

WASHINGTON, Sept. 29 — Senator Trent Lott, the majority leader, proposed amending the main bipartisan campaign-finance legislation in Congress today with a provision that Democrats immediately denounced as a ploy to kill the bill.

The provision, which would prohibit unions from deducting dues or fees from the paychecks of union and nonunion workers for political activities without their permission, is strongly opposed by the A.F.L.-C.I.O. The change would significantly curtail a union's ability to raise money for political purposes.

Because unions endorse Democratic candidates far more often than they endorse Republicans, most Democrats have vowed to vote against any campaign-finance bill that includes this provision. "It is a poison pill," said Senator Richard J. Durbin, Democrat of Illinois.

Many Republicans oppose overhauling the country's election-financing system and would be delighted to see the bill die on the floor. Mr. Lott, who reminded Senators that his father was a shipyard union steward in Mississippi, insisted that he was just sticking up for workers' rights. "No workers should be forced to pay for politics they don't support," Senator Lott said.

But some Republicans said on the condition that they not be identified that their strategy was to attach the provision so that Republicans could blame Democrats if the bill failed, as it almost surely would. Mr. Lott said today that voting on several amendments and the underlying bill would begin on Oct. 7.

Anticipating Mr. Lott's amendment, Senator John McCain, the Arizona Republican who is a main sponsor of the campaign-finance bill, pleaded for a compromise. "The American people don't want a filibuster or an impasse," he said.

President Clinton today voiced cautious optimism about the prospects for campaign-finance changes this year. "Obviously, there is still strong opposition to it in the leadership of the Republican Party, and they're in the majority of Congress," Mr. Clinton said. "But I've seen some encouraging signs in the Senate and, frankly, I've seen some encouraging signs in the House, with some Republican members willing to speak up and say we ought to do something.

"If we can succeed in keeping the public spotlight on the debate, then the pressure will build to come out with something positive," Mr. Clinton said.

Ushering in the second day of floor debate on their measure, Senator McCain and Senator Russell D. Feingold, a Wisconsin Democrat who is the legislation's other main sponsor, introduced a scaled-down version of their original bill.

The centerpiece of the compromise bill remains a ban on so-called soft money, the unregulated, unlimited contributions that national political parties can use to get out the vote and for other generic purposes but not for specific races.

Seeking to blunt Republican opposition, sponsors of the new version dropped a provision allowing candidates to limit their campaign spending voluntarily in exchange for limited free television advertising. The compromise also eliminated restrictions on political-action committees.

In addition, the pared-down bill seeks to codify a 1988 Supreme Court decision, Communications Workers of America v. Beck, that held that workers who choose not to join a union may not be required to pay for any union activities other than collective bargaining and representation on labor-management issues. As a result of the Supreme Court ruling, President Bush announced a new policy in 1992 allowing nonunion workers covered by union contracts to seek reimbursement for fees deducted for political activities. At the time, White House officials estimated that the Mr. Bush's actions would eventually keep $2.4 million a year out of union coffers.

Unions would need permission to deduct dues for politicking.

But in one of his first acts in office, President Clinton revoked Mr. Bush's election-year order. In a country where only about 15 percent of the work force is unionized, Mr. Clinton's order affected a relatively small number of workers. But the move signaled a major shift in White House attitudes toward unions.

Mr. Lott's amendment would go much farther than even Mr. Bush's executive order, covering union as well as nonunion workers.

"There's no more central thing in America than this freedom," said Senator John W. Warner, a Virginia Republican.

"I don't want anyone taking my money for political purposes without without my consent," said Senator Don Nickles, an Oklahoma Republican. "I'm willing to negotiate. But if we're going to have campaign-finance reform, it's going to have to start with all campaign contributions being voluntary. We're going to protect your paycheck."

Labor leaders said the provision was a thinly veiled attempt to force a deadlock.

"I assume this is intended to kill campaign-finance reform," said Peggy Taylor, director of legislation for the A.F.L.-C.I.O. "This is not a group of senators who have workers' interests at heart."

Senator McCain said he personally agreed with the spirit of Mr. Lott's amendment, but opposed the measure because it would doom the larger bill. "I must decide that passage of overall campaign-finance reform must be the Senate's overall goal," he said.

Senator McCain urged advocates of the provision to bring the measure up separately. "Now is not the time for a debate on labor policy," he said.

Advocates of change and opponents of the bill clashed again over a provision to define more clearly the difference between broadcast advertisements that promote an issue and ads that push for the defeat or election of a specific candidate.

The so-called issue ads, financed with soft money, in recent campaigns have evolved into thinly veiled attacks on candidates.

Under the bill, any issue ad that used a candidate's likeness or name within 60 days of an election would be defined as an express advocacy ad and would have to be paid for by Federally regulated contributions called "hard money."

Republicans led by Senator Mitch McConnell of Kentucky, along with independent organizations from the National Right to Life Committee to the American Civil Liberties Union, contend that the provision would restrict the First Amendment right to free speech.

Supporters of the bill sharply disagreed.

"The two loopholes of soft money and bogus issue ads have virtually obliterated our campaign-finance laws," said Senator Susan Collins of Maine, one of four Republicans to join all 45 Senate Democrats in support of the bill. "As long as we allow unlimited contributions, we will not have political equality in the this country."

Senator McCain needled Senator McConnell for sponsoring a campaign-finance bill in 1993, when Democrats controlled Congress, that would have banned soft money.

Senator McConnell acknowledged he supported the bill. But he said he did so reluctantly and only to join 23 other Republicans in offering an alternative to a Democratic bill.

Elsewhere on Capitol Hill, the Senate Governmental Affairs Committee, which has been investigating campaign-finance abuses since July, said today it would likely call Harold M. Ickes, the former deputy White House chief of staff, to testify next week about Democratic fund-raising practices.

LET'S PLAY BALL!
REPUBLICANS STILL PLAYING GAMES WITH CAMPAIGN FINANCE REFORM

"I don't think it'll happen this year. It'll happen someday."

-- Majority Leader Trent Lott
Washington Times, 9/26/97

Republicans have made an annual tradition of playing games with real campaign finance reform. Every year since taking office, President Clinton has supported meaningful campaign finance and every year Republicans have filibustered it. Now, even while allowing debate on the bi-partisan McCain-Feingold campaign finance reform bill, Republican Majority Leader Trent Lott has indicated that he has no intention of actually allowing any meaningful reform to pass this year.

"Campaign-finance Bill Will Be Dead on Arrival, Lott Says"
According to the *Washington Times*, "The Senate will begin debate today on campaign-finance reform legislation, but Senate Majority Leader Trent Lott said last night it will be killed just as swiftly as it is brought to the floor." [Washington Times, 9/26/97 (emphasis added)]

Lott: "I don't think it'll happen this year. It'll happen someday."

***Wall Street Journal*: Lott Is "In the Driver Seat" and "Nothing Will Pass"**
According to the *Wall Street Journal*, "The Senate plans to turn to campaign-finance-reform legislation today, but Majority Leader Trent Lott said he is in the driver's seat -- and nothing will pass this year." [Wall Street Journal, 9/26/97 (emphasis added)]

Lott Will Offer Substitute Legislation Which Will Prevent Reform Bill
According to the *Washington Times*, Lott plans to offer substitute legislation for McCain-Feingold, which "likely will prevent Congress from passing any reform bill this year." The *Wall Street Journal* reported that Lott "was remarkably frank about his tactics, in which Democrats must either defeat him in an up-and-down vote or mount a filibuster." [Washington Times, 9/26/97; Wall Street Journal, 9/26/97]

Lott: "I presume the Democrats are going to filibuster what we laid out. I've set it up where they're going to be doing the filibustering." [Washington Times, 9/26/97]

Lott: "I set it up so they will be filibustering me." [Wall Street Journal, 9/26/97]

COMPREHENSIVE CAMPAIGN FINANCE REFORM ACT OF 1991

On January 14, 1991 Senator Mitch McConnell (R-KY) introduced S-143 the Comprehensive Campaign Finance Reform Act of 1991. Among the bills subtitles were: "Ban on Soft Money in Federal Elections" and "Elimination of Political Action Committee from Federal Election Activities."

Here are some excerpts from McConnell's remarks when he introduced the bill:

> "Madam President, the 102nd Congress is faced with many challenges, not the least of which is ensuring the credibility of this institution and the electoral process of our Nation. To that end, I...am introducing the Comprehensive Campaign Finance Reform Act. This bill, which 36 Senators cosponsored in the last Congress, is the most sweeping legislation ever put forth on this issue. It **bans political action committees...[and] eliminates all soft money..."**
>
> "Madam President, the Comprehensive Campaign Reform Act would restore integrity and competitiveness to our electoral process while preserving constitutional rights and our 200-year-old democratic freedoms."
>
> "...I propose that we take these provisions we can agree on and pass a bill to ensure the integrity of our electoral process and restore confidence in government..." [Congressional Record, 1/14/91]

Now-Majority Leader Trent Lott, who co-sponsored the legislation, at the time made the following comments in support the bill:

> "I also am **particularly attracted by a proposal that would limit soft money**, or what has been referred to as sewer money. Senator McConnell has a proposal that would ban special interest indirect aid, but it would strengthen State political parties' influence. It would require full disclosure by the State parties..."
>
> "...The S. 3 proposal would limit indirect funds from State political parties in Federal elections, but it does not touch labor or corporate soft money. I just have to ask the American people: **Do you want corporations and labor involved in campaigns for the Congress without any real limits or controls and not even disclosure**? Why in the world could we call this campaign finance reform and we do not require disclosure of one of the most blatant abuses of political funds? Soft money, at a very minimum, ought to be reported, but yet it is not in this base bill. I strictly do not understand that..." [Congressional Record, 5/16/91]

BILL TRACKING REPORT

102nd Congress
1st Session

U. S. Senate

S 143

1991 Bill Tracking S. 143; 102 Bill Tracking S. 143

COMPREHENSIVE CAMPAIGN FINANCE REFORM ACT OF 1991

DATE-INTRO: January 14, 1991

LAST-ACTION-DATE: March 14, 1991

STATUS: Not Enacted

SPONSOR: Senator Mitch McConnell R-KY

TOTAL-COSPONSORS: 25 Cosponsors: 0 Democrats / 25 Republicans

SYNOPSIS: a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

ACTIONS: Committee Referrals:
01/14/91 Senate Rules and Administration Committee

Legislative Chronology:

1st Session Activity:
01/14/91 137 Cong Rec S 438 Referred to the Senate Rules and Administration Committee
01/23/91 137 Cong Rec S 1099 Cosponsors added
01/24/91 137 Cong Rec S 1205 Cosponsors added
01/30/91 137 Cong Rec S 1323 Cosponsors added
01/31/91 137 Cong Rec S 1452 Cosponsors added

02/05/91 137 Cong Rec S 1606 Cosponsors added
02/20/91 137 Cong Rec S 2031 Cosponsors added
02/26/91 137 Cong Rec S 2355 Cosponsors added
02/26/91 137 Cong Rec S 2355 Cosponsors added
02/27/91 137 Cong Rec S 2436 Cosponsors added
03/13/91 137 Cong Rec D 291 Senate Rules and Administration Committee resumed hearings
03/14/91 137 Cong Rec D 306 Senate Rules and Administration Committee concluded hearings

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)
Comprehensive Campaign Finance Reform Act of 1991

Title I: Reduction of Special Interest Influence Subtitle A: Elimination of Political Action Committees from Federal Election Activities

Amends the Federal Election Campaign Act of 1971 to: (1) revise the definition of a "political committee" to references to any separate segregated fund and any committee, club, association, or group which receives contributions or makes expenditures annually totaling over $1,000 and to include any national, State, or district committee of a political party, including any subordinate committee thereof, and any committee jointly established by such committees or by any local committee as defined under current law for joint fundraising activities; (2) repeal provisions excluding nonpartisan registration and get-out-the-vote campaigns and the establishment of, and solicitation of contributions for, a separate segregated fund from the definition of a "contribution or expenditure" by a national bank, corporation, or labor organization; and (3) prohibit making, soliciting, or receiving contributions or making expenditures to influence a Federal election by any person other than an individual or a political committee. Specifies that if such prohibition is not in effect: (1) it and the other amendments made by this Act to the Federal Election Campaign Act of 1971 regarding such definitions shall not be in effect and prior law will be reinstated; and (2) political action committees not connected to corporations, labor organizations, or trade associations will be subject to a $1,000 contribution limit. Deems any political committee which is established, financed, maintained, or controlled by any candidate or Federal officeholder to be an authorized committee of such candidate or officeholder for purposes of limitations on contributions to a candidate's committees.

Subtitle B: Ban on Soft Money in Federal Elections

Bans the use of soft money (any amount raised or contributed outside of source restrictions, contribution limits, and disclosure requirements of the Federal Election Campaign Act of 1971) to influence any Federal election. Requires the Federal Election Commission (FEC) to issue regulations providing a method for allocating the contributions and expenditures for any mixed activity between Federal and non-Federal accounts. Sets forth guidelines for such allocation which include the establishment of minimum percentages of Federal funds for activities designed to contact voters in connection with elections for Federal and non-Federal office. Requires each treasurer of a political committee to keep an account of, and file reports disclosing, each account maintained by such committee. Includes political committees among those entities eligible to receive contributions or expenditures by national banks, corporations, or labor organizations. Permits a labor organization, upon reinstatement of prior law regarding certain political activities not considered to be contributions or expenditures, to make political communications and establish and solicit contributions for a separate segregated political fund if it: (1) provides the employees it represents with written notification of specified information at least once annually; (2) provides such employees with an annual examination by an independent certified public accountant of its financial statements which verify its costs for representation services; and (3) maintains certain procedures regarding the cost of such representation. Requires a labor organization which does not follow such requirements to finance those communications expressly advocating the election or defeat of any clearly identified candidate for elective public office as well as the other political activities not considered to be contributions or expenditures with funds legally collected under this Act for its separate segregated fund. Imposes Federal limits on contributions to: (1) political organizations maintained by a candidate for Federal office which are not political committees of a national, State, or local party; and (2) State and local party committees. Amends the Internal Revenue Code to deny tax-exempt status for an organization: (1) which devotes any of its operating budget to voter registration, get-out-the-vote campaigns, or participation in political campaign activities; (2) on whose behalf a candidate or an authorized committee thereof solicits contributions; or (3) which intervenes or participates in any political campaign on behalf of, or in opposition to, any candidate for Federal office.

Subtitle C: Other Activities

Reduces from $1,000 to $500 the maximum contribution allowed to any candidate for Federal office (other than a candidate for President or Vice President) by a person residing outside the State with respect to which such candidate seeks Federal office. Maintains the current $1,000 limitation for contributions to any candidate for President or Vice President or to any candidate for Federal office by a person residing within the State with respect to which such candidate seeks Federal office. Provides for periodic indexing of such limitations according to the consumer price index. Excludes costs of campaign materials and general research activities paid by national committees of a political party from the definition of "expenditure and contribution" under the same conditions currently provided for such payments by State or local committees of a political party. Exempts contributions to political party committees from the $25,000 annual limit. Prohibits: (1) any intermediary or conduit from delivering or arranging to have delivered contributions from more than two persons who are employees of the same employer or members of the same labor organization; and (2) lobbyists from acting as an intermediary or conduit with respect to a contribution to a candidate for Federal office. Sets forth disclosure requirements for independent expenditures through broadcast communications on any radio or television station. Provides that an expenditure is not an independent expenditure where the person making an expenditure is in coordination, consultation, or concert with a candidate. Requires the FEC to provide a hearing within three days after receiving a complaint alleging that an independent expenditure was made in cooperation, consultation, or concert with a candidate. Provides for expedited judicial review for any matter relating to the making of an independent expenditure.

Title II: Increase of Competition in Politics

Allows the congressional campaign committee or the senatorial campaign committee of a national political party to make contributions to a candidate for Federal office (other than President or Vice President) who does not hold Federal office which in the aggregate do not exceed the lesser of: (1) $100,000; or (2) the aggregate contributions made during the election cycle preceding the primary election by an individual who, at the time such contributions are made, is a resident of the State in which the election with respect to which such contributions are made is to be held. Prohibits such a contribution from being treated as an expenditure by a national committee, State committee, or subordinate committee, of a State committee in connection with the general election campaign of a candidate for Federal office. Prohibits a holder of Federal office from transferring any amounts received as contributions or other campaign funds to any account maintained for purposes of defraying ordinary and necessary expenses in connection with the duties of such office. Requires a candidate, within 15 days of qualifying for a primary election ballot, to file with the FEC and each other qualifying candidate a declaration stating whether or not such candidate intends to expend for the primary and general election an amount exceeding $250,000

from: (1) personal funds; (2) family funds; and (3) personal loans incurred in connection with the campaign for election. Allows the opponents of such candidate to accept larger contribution amounts from individuals. Requires a candidate who files a declaration of intent not to expend more than $250,000 and who subsequently does exceed such amount, to file an amended declaration within 24 hours after exceeding such amount. Allows a candidate to repay any expenditure or personal loan incurred in connection with the candidate's election to Federal office from contributions made to such candidate or any authorized committee of such candidate. Prohibits: (1) repayment of any interest on the principal of such loan or the amount of such expenditure; and (2) repayment from any such contributions received after the general election to which the expenditure or loan relates. Prohibits franked mass mailings by: (1) Members of Congress during the year in which they are candidates for reelection; (2) Members of, or Members-elect to, the House during the year in which they are candidates for any other public office; or (3) Members of the Senate during the year in which they are candidates for any other public office. Requires Members of Congress using franked mass mailings to register such mailings annually with the Secretary of the Senate or the Clerk of the House of Representatives who shall make such mailing available for public inspection along with a description of the persons to whom the mass mailing was mailed. Amends rule XL of the Standing Rules of the Senate to prohibit the use of franked mass mail by a Senator or an individual who is a candidate for nomination for election, or election, to the Senate during the year in which the Senator is a candidate for public office or the individual is a candidate for the Senate. Revises provisions with respect to congressional reapportionment and redistricting so that the number of persons in congressional districts within each State shall be as nearly equal as practicable, as determined under the most recent decennial census. Prohibits congressional districts from being established with the intent and effect of diluting the voting strength of any persons or members of any political party. Requires district boundaries to avoid the division of counties and minimize the division of cities and other political subdivisions.
Establishes expedited Federal judicial review procedures of the redistricting process, giving Federal district courts exclusive jurisdiction. Amends the Federal criminal code to prescribe criminal penalties to be imposed against anyone who uses any facility of, or affects, interstate or foreign commerce to deprive or defraud the inhabitants of a State or political subdivision of: (1) the honest services of a government official or employee; or (2) a fair and impartially conducted election process through the use of fraudulent ballots or voter registration forms or the filing of fraudulent campaign reports to secure the election of an official who, if elected, would have authority over the administration of funds derived from an Act of the Congress totalling $10,000 or more for a year before or after the election or offense. Prescribes criminal penalties to be imposed against anyone who deprives or defrauds the inhabitants of the United States of the honest

services of a public official. Prescribes criminal penalties to be imposed upon any official who: (1) uses interstate commerce to deprive or defraud the inhabitants of any State or political subdivision of the right to have government affairs conducted on the basis of complete, true, and accurate information; or (2) in order to carry out or conceal any scheme or artifice to defraud, discriminates, harasses, or takes adverse action against any employee or official of the United States or any State or political subdivision. Authorizes such an adversely affected employee or official to obtain relief through a civil action, providing such person did not participate in the scheme or artifice. Amends mail fraud provisions to prohibit the use of any facility of interstate or foreign commerce in the execution of a scheme or artifice to defraud.

Title III: Reduction of Campaign Costs

Sets forth congressional findings regarding discounts for political broadcasts. Amends the Communications Act of 1934 to: (1) limit the cost to qualified candidates of broadcasting time for pre-election political advertising to the lowest rate charged for any time in the same period; and (2) prohibit any broadcast licensee from preempting the use of any such time purchased by a qualified candidate.

Title IV: Miscellaneous Provisions Subtitle A: Federal Election Commission Enforcement Authority

Amends the Federal Election Campaign Act of 1971 to revise the enforcement provisions. Changes the determination the FEC must make upon receiving a complaint, before notifying the person of an alleged violation. Authorizes the FEC to seek an injunction if: (1) it believes that there is a substantial likelihood that a violation of Federal election laws is occurring or about to occur; (2) the failure to act expeditiously will result in irreparable harm; (3) such expeditious action will not cause undue harm or prejudice to the interests of others; and (4) the public interest would be best served by such an injunction. Reduces the period provided for the FEC to attempt informally to prevent or correct a violation of such Act from 90 to 60 days. Requires the FEC to make such an attempt for a period of no more than 15 days, if the violation occurs within 45 days of an election. Provides greater penalties for knowing and willful violations committed within 15 days of any election. Changes from discretionary to mandatory the requirement that the FEC, upon an affirmative vote of four of its members, institute a civil action if it is unable to correct or prevent a violation of such Act. Requires a court in such civil action to grant a specified remedy upon a showing that the person involved has committed or is about to commit a violation of such Act.

Provides a private right of action if, by a tie vote, the FEC does not vote to institute a civil action. Requires a court to impose a specified civil penalty for a knowing and willful violation of such Act. Expedites from 120 days to 60 days the time which an aggrieved party must wait before seeking judicial redress because the FEC dismissed, or failed to reasonably pursue, a complaint filed by such party. Allows the aggrieved party to file an action in any U.S. district court having jurisdiction. Requires that any monetary award under such action be paid to the United States. Provides for a mandatory award of attorney fees and costs to the prevailing party. Increases the penalties for violation of the confidentiality requirement with respect to any notification or investigation made under such Act. Removes the ceiling on the fine for any person who willfully and knowingly commits a violation of such Act which involves any contribution or expenditure aggregating $2,000 or more during a calendar year. Directs the FEC to establish time limitations for its investigation and to publish an index of all of its investigations. Establishes procedures for initial determinations and probable cause determinations by the FEC. Eliminates the en banc hearing requirement for constitutional questions regarding such Act.

Subtitle B: Other Provisions

Requires each treasurer of a political committee to file reports disclosing for the reporting period the terms of any settlement agreement or any security or collateral agreement entered into with respect to a loan or other debt as evidenced by a copy of such agreement filed as part of the report. Includes any gift subscription, loan, advance, or deposit of money made for the purpose of drafting a clearly identified individual as a candidate for Federal office or encouraging a clearly identified individual to become a candidate for Federal office within the definition of "contribution." Requires such a contribution to be treated, with respect to the individual involved, as a contribution to a candidate, whether or not the individual becomes a candidate for purposes of limitations on contributions and expenditures.

CRS Index Terms:

Elections; Actions and defenses; Banks and banking; Bribery; Campaign contributors; Campaign funds; Congressional candidates; Congressional districts; Congressional elections; Corporations; Corruption in politics; Disciplining of employees; Election candidates; Executive departments; Federal employees; Federal officials; Fines (Penalties); Franking privilege; Fraud; Government and business; Government officials; Government paperwork; Governmental investigations; Income tax; Injunctions; Judicial review; Labor union finances; Labor union political activities; Loans; Lobbyists; Local officials and employees; Members of Congress; Misconduct in office;

Political action committees; Political advertising; Political parties; Postal crimes; Postal service; Radio in politics; State officials and employees; Tax-exempt organizations; Television in politics

CO-SPONSORS:

Original Cosponsors:

Dole R-KS
Simpson R-WY
Packwood R-OR
Cochran R-MS
Domenici R-NM
Murkowski R-AK
Roth R-DE
Hatfield R-OR

Added 01/23/91:

Chafee R-RI

Added 01/24/91:

Wallop R-WY
D'Amato R-NY
Lott R-MS
Mack R-FL
Garn R-UT
Symms R-ID
Bond R-MO
Gorton R-WA

Added 01/30/91:

Burns R-MT

Added 01/31/91:

Thurmond R-SC

Added 02/05/91:

Lugar R-IN
Jeffords R-VT

Added 02/20/91:

McCain R-AZ
Kassebaum R-KS

Added 02/26/91:

Heinz R-PA

Added 02/27/91:

Hatch R-UT

	168	169	170	171	172	173	174	175
ALABAMA								
Shelby	N	Y	Y	Y	N	N	Y	Y
Heflin	N	Y	N	?	N	N	Y	Y
ALASKA								
Murkowski	N	Y	Y	Y	N	N	Y	Y
Stevens	N	Y	Y	Y	N	N	Y	Y
ARIZONA								
Kyl	N	Y	Y	Y	N	N	Y	Y
McCain	Y	Y	Y	Y	N	N	Y	Y
ARKANSAS								
Bumpers	Y	Y	?	?	?	Y	Y	N
Pryor	Y	Y	N	Y	Y	Y	Y	N
CALIFORNIA								
Boxer	Y	Y	N	Y	Y	Y	Y	N
Feinstein	Y	Y	N	Y	N	N	Y	N
COLORADO								
Brown	N	Y	Y	Y	Y	Y	Y	Y
Campbell	N	Y	Y	Y	N	N	Y	Y
CONNECTICUT								
Dodd	Y	Y	N	Y	N	Y	Y	Y
Lieberman	Y	Y	N	Y	N	N	Y	Y
DELAWARE								
Roth	N	Y	Y	Y	N	N	Y	Y
Biden	Y	Y	N	Y	Y	Y	Y	Y
FLORIDA								
Mack	N	Y	Y	Y	N	N	Y	Y
Graham	Y	Y	N	Y	Y	Y	Y	N
GEORGIA								
Coverdell	N	Y	Y	Y	N	N	Y	Y
Nunn	Y	Y	N	Y	N	N	Y	Y
HAWAII								
Akaka	Y	Y	N	Y	N	Y	Y	N
Inouye	Y	Y	N	Y	N	N	Y	Y
IDAHO								
Craig	N	Y	Y	Y	N	N	Y	Y
Kempthorne	N	Y	Y	Y	N	N	Y	Y
ILLINOIS								
Moseley-Braun	Y	Y	N	Y	Y	Y	Y	N
Simon	Y	Y	N	Y	Y	Y	Y	N
INDIANA								
Coats	N	Y	Y	Y	N	N	Y	Y
Lugar	N	Y	N	Y	N	N	Y	Y

	168	169	170	171	172	173	174	175
IOWA								
Grassley	N	Y	Y	Y	Y	Y	Y	Y
Harkin	Y	Y	N	Y	Y	Y	Y	N
KANSAS								
Frahm	N	Y	Y	Y	N	N	Y	Y
Kassebaum	Y	Y	Y	Y	N	Y	Y	Y
KENTUCKY								
McConnell	N	Y	Y	Y	N	N	Y	Y
Ford	Y	Y	N	Y	N	Y	Y	Y
LOUISIANA								
Breaux	Y	Y	N	Y	N	N	Y	Y
Johnston	Y	Y	N	Y	N	N	Y	Y
MAINE								
Cohen	Y	Y	Y	Y	N	N	Y	Y
Snowe	Y	Y	Y	Y	N	N	Y	Y
MARYLAND								
Mikulski	Y	Y	N	Y	Y	Y	Y	N
Sarbanes	Y	Y	N	Y	Y	Y	Y	N
MASSACHUSETTS								
Kennedy	Y	Y	N	Y	Y	Y	Y	N
Kerry	Y	Y	N	Y	Y	Y	Y	N
MICHIGAN								
Abraham	N	Y	Y	Y	N	N	Y	Y
Levin	Y	Y	N	Y	Y	Y	Y	N
MINNESOTA								
Grams	N	Y	Y	Y	N	N	Y	Y
Wellstone	Y	Y	N	Y	Y	Y	Y	N
MISSISSIPPI								
Cochran	N	Y	Y	Y	N	N	Y	Y
Lott	N	Y	Y	Y	N	N	Y	Y
MISSOURI								
Ashcroft	N	Y	Y	Y	N	N	Y	Y
Bond	N	Y	Y	Y	N	N	Y	Y
MONTANA								
Burns	N	Y	Y	Y	N	N	Y	Y
Baucus	Y	Y	N	Y	Y	Y	Y	N
NEBRASKA								
Exon	Y	Y	N	Y	N	Y	Y	N
Kerrey	Y	Y	N	Y	N	Y	Y	N
NEVADA								
Bryan	Y	Y	N	Y	Y	Y	Y	N
Reid	Y	Y	N	Y	Y	Y	Y	N

	168	169	170	171	172	173	174	175
NEW HAMPSHIRE								
Gregg	N	Y	Y	Y	N	Y	Y	Y
Smith	N	Y	Y	Y	N	N	Y	Y
NEW JERSEY								
Bradley	Y	Y	N	Y	Y	Y	Y	N
Lautenberg	Y	Y	N	Y	Y	Y	Y	N
NEW MEXICO								
Domenici	N	Y	Y	Y	N	N	Y	Y
Bingaman	Y	Y	N	Y	Y	Y	Y	N
NEW YORK								
D'Amato	N	Y	Y	Y	N	N	Y	Y
Moynihan	Y	Y	N	Y	N	Y	Y	N
NORTH CAROLINA								
Faircloth	N	Y	Y	Y	N	N	Y	Y
Helms	N	Y	?	Y	N	N	Y	Y
NORTH DAKOTA								
Conrad	Y	Y	N	Y	Y	Y	Y	N
Dorgan	Y	Y	N	Y	Y	Y	Y	N
OHIO								
DeWine	N	Y	Y	Y	N	N	Y	Y
Glenn	Y	Y	N	Y	Y	Y	Y	N
OKLAHOMA								
Inhofe	N	Y	Y	Y	N	N	Y	Y
Nickles	N	Y	Y	Y	N	N	Y	Y
OREGON								
Hatfield	N	Y	Y	Y	Y	Y	Y	N
Wyden	Y	Y	N	Y	Y	Y	Y	N
PENNSYLVANIA								
Santorum	N	Y	Y	Y	N	N	Y	Y
Specter	Y	Y	Y	Y	N	N	Y	N
RHODE ISLAND								
Chafee	N	Y	Y	Y	N	N	Y	Y
Pell	Y	Y	Y	Y	Y	Y	Y	N
SOUTH CAROLINA								
Thurmond	N	Y	Y	Y	N	N	Y	Y
Hollings	Y	Y	N	Y	N	Y	Y	N
SOUTH DAKOTA								
Pressler	N	Y	Y	Y	N	N	Y	Y
Daschle	Y	Y	N	Y	Y	Y	Y	N
TENNESSEE								
Frist	N	Y	Y	Y	N	N	Y	Y
Thompson	Y	Y	Y	Y	N	N	Y	Y

KEY

Y Voted for (yea).
\# Paired for.
\+ Announced for.
N Voted against (nay).
X Paired against.
— Announced against.
P Voted "present."
C Voted "present" to avoid possible conflict of interest.
? Did not vote or otherwise make a position known.

Democrats *Republicans*

	168	169	170	171	172	173	174	175
TEXAS								
Gramm	N	Y	Y	Y	N	N	[illegible]	[illegible]
Hutchison	N	Y	Y	Y	N	N	[illegible]	[illegible]
UTAH								
Bennett	N	Y	Y	Y	N	N	[illegible]	[illegible]
Hatch	N	Y	Y	Y	N	N	[illegible]	[illegible]
VERMONT								
Jeffords	Y	Y	Y	Y	Y	Y	[illegible]	[illegible]
Leahy	Y	Y	N	Y	Y	Y	[illegible]	[illegible]
VIRGINIA								
Warner	N	Y	Y	Y	N	N	[illegible]	[illegible]
Robb	Y	Y	N	Y	N	N	[illegible]	[illegible]
WASHINGTON								
Gorton	N	Y	Y	Y	N	N	[illegible]	[illegible]
Murray	Y	Y	N	Y	Y	Y	[illegible]	[illegible]
WEST VIRGINIA								
Byrd	Y	Y	N	Y	N	Y	[illegible]	[illegible]
Rockefeller	Y	Y	N	Y	Y	Y	[illegible]	[illegible]
WISCONSIN								
Feingold	Y	Y	N	Y	Y	Y	[illegible]	[illegible]
Kohl	Y	Y	N	Y	Y	Y	[illegible]	[illegible]
WYOMING								
Simpson	Y	Y	Y	Y	N	N	[illegible]	[illegible]
Thomas	N	Y	Y	Y	N	N	[illegible]	[illegible]

ND Northern Democrats SD Southern Democrats

Southern states - Ala., Ark., Fla., Ga., Ky., La., Miss., N.C., Okla., S.C., Tenn., Texas, Va.

168. S 1219. Campaign Finance Overhaul/Cloture. Motion to invoke cloture (thus limiting debate) on the bill to institute voluntary campaign spending limits with reduced broadcast and postal rates, to outlaw political action committees, and to ban unlimited contributions to political parties (so-called soft money). Motion rejected 54-46: R 8-45; D 46-1 (ND 37-0, SD 9-1), June 25, 1996. Three-fifths of the total Senate (60) is required to invoke cloture.

169. S 1745. Fiscal 1997 Defense Authorization/Alternative Force Structure Report. Lieberman, D-Conn., amendment to establish a commission to study national security needs through 2010 and beyond, and to propose alternative forces structures to meet those needs. Adopted 100-0: R 53-0; D 47-0 (ND 37-0, SD 10-0), June 25, 1996.

170. S 1745. Fiscal 1997 Defense Authorization/Cloture. Motion to invoke cloture (thus limiting debate) on the bill to authorize $267.3 billion for defense programs in fiscal 1997 or nearly $13 billion more than requested by the president. Motion rejected 52-46: R 51-1; D 1-45 (ND 1-36, SD 0-9), June 26, 1996. Three-fifths of the total Senate (60) is required to invoke cloture.

171. HR 3525. Church Burnings/Passage. Passage of the bill to make it easier for the federal government to prosecute cases involving damage to religious property by removing jurisdictional obstacles and authorizing the Department of Treasury to hire additional agents to assist state and local law enforcement with church arson investigations. The bill also would grant the Department of Housing and Urban Development authority to make loan guarantees to lenders who provide loans to churches victimized by arson and increase the maximum penalty for church arson from 10 to 20 years and extend the statute of limitations from five to seven years. Passed 98-0: R 53-0; D 45-0 (ND 37-0, SD 8-0), June 26, 1996.

172. S 1745. Fiscal 1997 Defense Authorization/President's Request. Wellstone, D-Minn., amendment to cut the $267.3 billion authorization in the bill by nearly $13 billion to the level requested by the president. Rejected 34-65: R 4-49; D 30-16 (ND 28-9, SD 2-7), June 26, 1996.

173. S 1745. Fiscal 1997 Defense Authorization/$4 Billion Cut. Exon, D-Neb., amendment to cut the bill's $267.3 billion authorization by $4 billion, setting the authorization at $263.4 billion and leaving the bill at $9 billion above the president's request and $2.2 billion below the amount set in the fiscal 1997 budget resolution. Rejected 45-55: R 6-47; D 39-8 (ND 34-3, SD 5-5), June 26, 1996.

174. S 1745. Fiscal 1997 Defense Authorization/Budget Resolution Level. Thurmond, R-S.C., amendment to cut the bill's $267.3 billion authorization by $1.7 billion to $265.6 billion in order to provide that the bill's authorization level is the same as the level provided in the Fiscal 1997 Budget Resolution. Adopted 100-0: R 53-0; D 47-0 (ND 37-0, SD 10-0), June 26, 1996.

175. S 1745. Fiscal 1997 Defense Authorization/Education Transfer. Thurmond, R-S.C., motion to table (kill) the Wellstone, D-Minn., amendment to shift $1.3 billion from defense programs to higher education and job training programs. Motion agreed to 60-40: R 50-3; D 10-37 (ND 4-33, SD 6-4), June 26, 1996.

Clinton Presidential Records
Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

Divider Title: **Free TV Advisory Committee**

File – CFR –
Free TV Advisory
Cttg.

TO: MICHAEL WALDMAN
FROM: NORM ORNSTEIN

Happy October! October, of course, is not just the month of Halloween but marks the eighth month since the President announced that he was going to create an Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters. The time frame at the time seemed reasonable—a report to the Vice President by June 1, 1998. That deadline is now itself eight months away, and we still don't have the committee members or an opportunity to plot out how and when we will make the committee work.

In the next two weeks, we will see both a vote on the Senate floor on scaled-back campaign finance reform (sans free TV) and likely confirmation of the President's four nominees to the FCC. We will miss a great opportunity if we do not at that time make a splash, indicating our existence and determination to move quickly with our agenda. Here is what I need to make that happen:

1. Members! And soon! And, although it is too late to do anything about this, enough members who are on the same page to create a working majority.
2. Immediate action on the first meeting. Let me assume that the date is the 22nd (and, by the way, the Federal Register says they need the notice by 2 pm tomorrow.) When does the Vice President want to appear? What does he want to do—announce the members, engage in a conversation, give formal testimony? What should the role of the president be? Shouldn't he, if schedules permit, make some announcement immediately after the confirmation of the FCC Commissioners of the members of the Advisory Committee, making another pitch for free TV time as a key element of campaign finance reform?
3. The two NTIA staffers assigned to the committee seem good and conscientious. But I can't realistically use them to write a report. I have talked to Les Moonves about this, and we hope employ a detailee from the FCC (a solid lawyer named Jonathan Cohen.) I need expedited word on whether I can, and if I can, where I can house him (I would prefer not to have him over at NTIA, but at a more convenient spot, maybe even staying at the FCC.) Could I house him at another agency closer by, or even at a private entity like the League of Women Voters?
4. A designated person in the White House with whom I can communicate on a regular and reliable basis. Maybe there need to be two, one in the Vice President's office and one outside—that is your call. But I need to be able to talk to someone who can act as a liaison, who will be able to devote the time and who will return my calls.
5. A broader sense of what other areas, besides free TV in campaigns, the President and Vice President want considered as potential public interest obligations. We are an independent advisory committee, but I want to know how our activities mesh with things like wiring the classroom, providing health information, children's television, or other areas you guys are concerned with—I don't want us to be at cross purposes or stumbling on each others toes.

Divider Title: **Mondale - Kassebaum**

File

Fax Cover Sheet

CFR -

Mondale - Kasselbaum

The WidmeyerBaker Group, Inc.

1875 Connecticut Ave. NW
Suite 800
Washington, DC 20009
202 667 0901
Facsimile 202 667 0902

To: Michael Waldron

Fax: 456-5709

From: Kevin Bonderud (667-0901)

Code: 354

Number of pages including this one: 2

If you have any questions or problems please call ____________ at 202 667 0901

☑ CAMPAIGN FINANCE REFORM

SENATOR NANCY KASSEBAUM BAKER
SENATOR WALTER F. MONDALE

TO: Michael Waldron

FROM: Kevin Bonderud
(202) 667-0901

DATE: October 6, 1997

**RE: MONDALE-KASSEBAUM BAKER EFFORT
FORMER MEMBERS' STATEMENT ON CAMPAIGN FINANCE REFORM**

I understand the President may be speaking about campaign finance reform tomorrow. As you prepare for this, and as others at the White House comment on the issue, Leon Billings suggested that I make sure you have the following information.

1. Here is a copy of the statement on campaign finance reform signed by 87 former members of Congress. (This was released last Monday by former Vice President Mondale and former Senator Kassebaum Baker and is included in an ad in this morning's issue of *Roll Call*. It will also be featured in the same ad tomorrow in *The Washington Post*.)

2. As you know, through the Mondale-Kassebaum Baker effort, former President's Bush, Carter, and Ford have voiced their support for reform. I'm also sending you a copy of the Op-Ed from yesterday's *Post*, which has some good comments from Presidents Carter and Ford.

Please let me know if you have any questions about these initiatives or Vice President Mondale's and Senator Kassebaum Baker's news conference and congressional testimony last week (or the news coverage that resulted).

Assisted by the Campaign Finance Reform Project of The Aspen Institute
Deborah Both and Michael Davidson, Project Co-Directors
1333 New Hampshire Avenue, NW · Suite 1070 · Washington, DC 20036 · 202-736-5800 · FAX 202-467-0790

This project is funded by a grant from The Pew Charitable Trusts

☑ CAMPAIGN FINANCE REFORM

SENATOR NANCY KASSEBAUM BAKER
SENATOR WALTER F. MONDALE

September 30, 1997

STATEMENT OF FORMER MEMBERS OF CONGRESS

We are pleased to join former Presidents Bush, Carter and Ford in expressing the hope that the current Congress enact meaningful bipartisan campaign finance reform legislation.

The distinguished former Presidents have identified the indispensable core of reform: (1) a ban on "soft money" contributions to the national parties and their campaign organizations, applied equally to contributions of corporate and union treasury funds, as well as to large individual contributions in excess of those permitted by law; (2) complete and rapid disclosure of political contributions and expenses; and (3) effective and politically independent enforcement of campaign finance laws.

Some of us favor additional proposals, including provisions to assure that a ban on "soft money" is not circumvented through campaign advertisements that are thinly disguised as "issue advocacy." Together we believe it is time to test the merits of different or competing ideas through debate and votes, but that any disagreement over further reforms should not delay enactment of essential measures, beginning with a ban on soft money, where agreement is within reach.

Our democracy will be strengthened when the Congress acts to assure the American public that the nation's campaign finance system honors our nation's ideals.

Nancy Kassebaum Baker (R-KS)
Howard H. Baker, Jr. (R-TN)
David L. Boren (D-OK)
John C. Danforth (R-MO)
Mark O. Hatfield (R-OR)
Abner J. Mikva (D-IL)
Patricia S. Schroeder (D-CO)

Walter F. Mondale (D-MN)
Henry Bellmon (R-OK)
Bill Bradley (D-NJ)
Thomas F. Eagleton (D-MO)
Robert H. Michel (R-IL)
Sam Nunn (D-GA)
Alan K. Simpson (R-WY)
(continued)

Assisted by the Campaign Finance Reform Project of The Aspen Institute
Deborah Both and Michael Davidson, Project Co-Directors
1333 New Hampshire Avenue, NW · Suite 1070 · Washington, DC 20036 · 202-736-5800 · FAX 202-467-0790

This project is funded by a grant from The Pew Charitable Trusts

THE ORIGINAL SIGNERS OF THE STATEMENT ARE JOINED BY:

Senators:

Wendell Anderson (D-MN)
Rudy Boschwitz (R-MN)
Edward Brooke (R-MA)
Dick Clark (D-IA)
John Culver (D-IA)
Sheila Frahm (R-KS)
Fred Harris (D-OK)
Walter Huddleston (D-KY)
Mike Mansfield (D-MT)
John Melcher (D-MT)
George Mitchell (D-ME)
Gaylord Nelson (D-WI)
David Pryor (D-AR)
Terry Sanford (D-NC)
Paul Simon (D-IL)
Robert Stafford (R-VT)
Mark Andrews (R-ND)
William Brock (R-TN)
Jim Broyhill (R-NC)
Alan Cranston (D-CA)
James Exon (D-NE)
Clifford Hansen (R-WY)
Howell Heflin (D-AL)
Russell Long (D-LA)
Charles Mathias (R-MD)
Howard Metzenbaum (D-OH)
Frank (Ted) Moss (D-UT)
Claiborne Pell (D-RI)
Warren Rudman (R-NH)
Richard Schweiker (R-PA)
W.B. Spong (D-VA)

Representatives:

Bella Abzug (D-NY)
John Brademas (D-IN)
Beverly Byron (D-MD)
Tony Coelho (D-CA)
Hal Daub (R-NE)
Butler Derrick (D-SC)
Bernard J. Dwyer (D-NJ)
Mickey Edwards (R-OK)
Karan English (D-AZ)
Don Fraser (D-MN)
Bill Frenzel (R-MN)
Peter Hoagland (D-NE)
Martha Keys (D-KS)
Marjorie Margolies-Mezvinsky (D- PA)
Paul McCloskey (R-CA)
Dick Nichols (R-KS)
Albert Quie (R-MN)
Matthew Rinaldo (R-NJ)
William R. Roy (D-KS)
Philip Sharp (D-IN)
Jim Slattery (D-KS)
Al Swift (D-WA)
Bob Bergland (D-MN)
Clarence Brown (R-OH)
Rod Chandler (R-WA)
Barber Conable (R-NY)
John Dellenback (R-OR)
Tom Downey (D-NY)
Don Edwards (D-CA)
Robert Ellsworth (R-KS)
Dante Fascell (D-FL)
Geraldine Ferraro (D-NY)
Thomas Hartnett (R-SC)
Carroll Hubbard (D-KY)
Melvin Laird (R-WI)
Romano L. Mazzoli (D-KY)
John Miller (R-WA)
Leon Panetta (D-CA)
John Rhodes, III (R-AZ)
Peter Rodino (D-NJ)
Lynn Schenk (D-CA)
Karen Shepherd (D-UT)

☑ CAMPAIGN FINANCE REFORM

SENATOR NANCY KASSEBAUM BAKER
SENATOR WALTER F. MONDALE

FOR IMMEDIATE RELEASE:
September 29, 1997

CONTACT: Tad Segal
Brian Faith
(202) 667-0901

WASHINGTON – Adding momentum to the growing movement toward campaign finance reform, 80 prominent former members of Congress released a statement today calling on their colleagues to act now to pass legislation that "acts to assure the American public that the nation's campaign finance system honors our nation's ideals."

The statement was released by former Vice President Walter Mondale and former Senator Nancy Kassebaum Baker as part of their ongoing effort to build support for campaign finance reform. It calls on Congress to enact a ban on "soft money," improve disclosure of campaign donors, and enhance enforcement of existing campaign finance laws.

In the statement, the former lawmakers underscored "that any disagreement over further reforms should not delay enactment of essential measures, beginning with a ban on soft money, where agreement is within reach."

The distinguished signatories include former majority and minority leaders and whips, committee chairmen, campaign chairmen, and high ranking White House officials.

Mondale and Kassebaum Baker made it clear that Congress should heed the growing demand for campaign finance reform, both among the public and from former members of Congress, and ensure that areas of dispute are not allowed to block areas in which progress can be made.

Former Vice President Walter Mondale said: "This statement is clear evidence of a widespread, bipartisan consensus to reform the current campaign finance system. These former members know firsthand about the problems of this system. I have been impressed by the overwhelming concern which they have all, Democrat and Republican, expressed about the present scandal of money in our politics. And I am impressed by their conviction that the system can be changed for the better."

Former Senator Nancy Kassebaum Baker said: "We are entering a critical phase in the campaign finance reform debate. This statement clearly underlines the fact that our current campaign finance system needs to be corrected. We must seize this opportunity for reform with the knowledge that doing so is supported by those from both sides of the political aisle."

--MORE--

The statement from the former members sets out three critical areas that must be included in any reform legislation: "(1) a ban on "soft money" contributions to the national parties and their campaign organizations, applied equally to contributions of corporate and union treasury funds, as well as to large individual contributions in excess of those permitted by law; (2) complete and rapid disclosure of political contributions and expenses; and (3) effective and politically independent enforcement of campaign finance laws.

The release of the statement is the latest step in an ongoing campaign by Mondale and Kassebaum Baker, who were asked by President Clinton earlier this year to lead an independent, bipartisan effort to broaden national support for action on campaign finance reform.

They began their effort by releasing an "Open Letter to the President and the Congress of the United States" in June offering initial recommendations on campaign finance reform and calling on the White House and Congress to implement reforms without further delay.

In July, Mondale and Kassebaum Baker were joined in their efforts by former presidents Jimmy Carter, Gerald Ford and George Bush, who all authored public letters calling for reform.

###

Attached is a copy of the statement released today, as well as a list of signatories. If you would like to schedule an interview with Walter Mondale or Nancy Kassebaum Baker, or with one of the signatories, please contact Tad Segal or Brian Faith at (202) 667-0901.

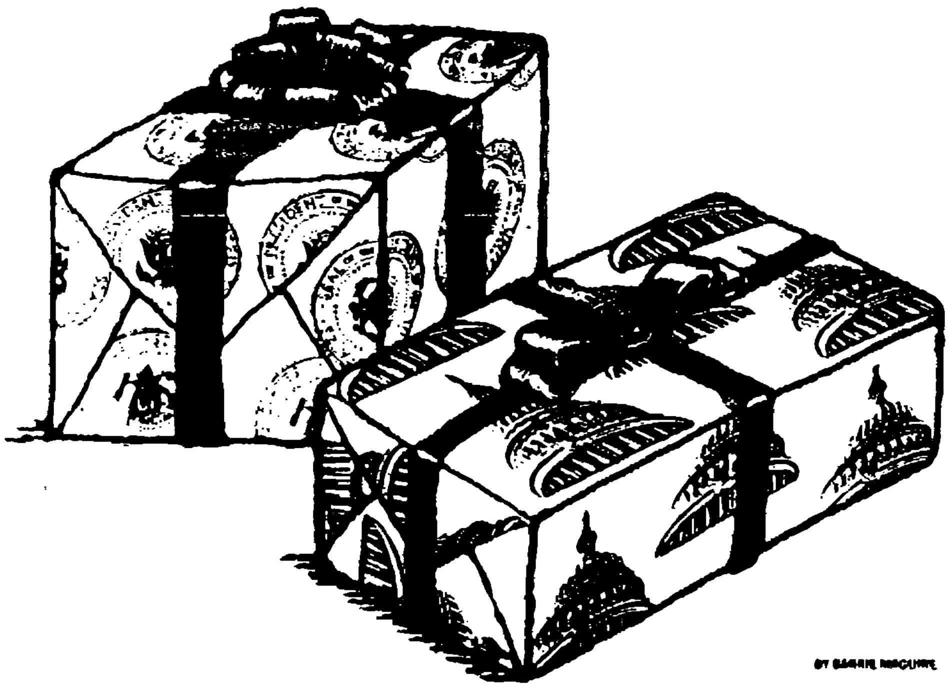
Walter Mondale's and Nancy Kassebaum Baker's efforts are supported by the Aspen Institute with a grant from the Pew Charitable Trusts.

The Washington Post

SUNDAY, OCTOBER 5, 1997 C7

Jimmy Carter and Gerald Ford

. . . And the Power of the Ballot



When we ran against each other in 1976, the modern campaign finance system was in its infancy; it was the first presidential election governed by strict limits and public financing. Looking back, it is easy to recognize why the reforms of the 1970s were so essential. Today it is disheartening to witness changes that have distorted those reforms and shaken Americans' faith in their democracy.

We have watched as elections have grown more controversial, more expensive, riddled with soft money and less understandable to the average voter. We have watched as participation in presidential elections has declined—plummeting during the last election to the lowest levels since 1924.

Less than half of the voting-age population cast their ballots for president in 1996, and while there are many factors that might contribute to this disturbing figure, we believe that a lack of public trust in government and in our system of democratic elections is a major part of the problem. When people feel disenfranchised from their political system, they stop participating in it. And when that happens, democracy suffers.

We have both worked in our public lives toward the goal of exporting our democratic system to other nations. Our model (or "the U.S. model") must be fundamentally reformed in terms of campaign financing to warrant the faith of other countries.

We can both personally attest that there is no greater honor than to serve your country. Yet the honor of public service is being tarnished by a system of campaign funding that has made many Americans lose faith in the concept of public service as a virtue. That service is diminished when elected officials are forced to spend so much time raising money instead of focusing on the many important issues they were elected to address.

We firmly believe that now is the time to restore Americans' faith in their democracy, their government and their democratically elected institutions. Meaningful, bipartisan campaign finance reform is needed to rein in a system that is out of control.

As a minimal first step, Congress and the president should approve legislation that bans soft money, enhances enforcement of existing campaign finance laws and creates a more accountable disclosure system that informs rather than obfuscates. These are the areas identified by former vice president Walter Mondale and former senator Nancy Kassebaum Baker in their effort to promote reform. It is particularly important to seize this opportunity for reform now so it can improve the next presidential election.

In order to accomplish this goal, both parties must lay down their partisanship and rise to meet this challenge together. Leaders of both parties have demonstrated their ability to work together on critical and contentious issues to do what is right for the country. This is another such issue where cooperation is the only road to results. It is impossible to expect one side to disarm unilaterally in this massive arms race for funds. Rather, both sides must agree that bilateral limits are the only rational course of action to preserve the moral integrity of our electoral system.

One item that we should all agree on is a ban of so-called "soft money" for national parties and their campaign committees. Soft money was initially intended exclusively for "party building" activities but has metamorphosed into a huge supplemental source of cash for campaigns and candidates. It is one of the most corrupting influences in modern elections because there is no limit on the size of donations—thus giving disproportionate influence to those with the deepest pockets.

According to the Federal Elections Commission, both parties raised a record-breaking $262 million in soft money during the 1996 elections. Recent news reports showed that figure will be shattered again in 2000 if current fund-raising rates continue.

These figures make it absolutely clear what is at stake. If Congress does not act now to stem this massive flow of soft money, Americans' cynicism and mistrust of government will only increase. And that step is only the beginning of needed fundamental reform.

We must demonstrate that a government of the people, by the people and for the people is not a thing of the past. We must redouble our efforts to assure voters that public policy is determined by the checks on their ballots rather than the checks from powerful interests.

Jimmy Carter was president from 1977 to 1981. Gerald Ford was president from 1974 to 1977.

Clinton Presidential Records
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This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

Divider Title: **Side-by-Side Comparison of CFR Proposals**

Draft McCain-Feingold Draft

Side-by-Side Comparison of Key Provisions in Leading Campaign Finance Reform Proposals

Provision	Old McCain-Feingold (S.25)	New Mcain-Feingold (S.25)	Shays-Meehan (H.R. 493)
Voluntary Spending Limits	• General election limits range from \$950,000 to \$5.5 million. Exact amount within the range determined by formula based on a state's voting age population. • Primary election limit is the lesser of 67% of general election limit or \$2.75 million. • Runoff limit is 20% of general election limit. • General and primary limits are indexed. • Exceptions allowed for taxes; • Exceptions allowed for independent expenditures and non-complying candidate expenditures (see below).	No Provision	•\$600,000 per House election cycle. • Election limit increased by 30% if the candidate wins primary with less than 10% of the vote. • Runoff limits is 20% of general election limit; • Election limit is indexed.

Incentives for Candidates who Comply with Voluntary Spending Limits	●30 minutes of free, prime time broadcast time; ●all other radio and television broadcast time purchased within 30 days of the primary election and 60 days of the general election provided at 50% of lowest rate charged; ● reduced mailing rates (3rd class special non-profit rate) for two mailings to entire state voting age population.	No Provision	●Radio and television broadcast time purchased within 30 days of the primary election and 60 days of the general election provided at 50% of lowest rate charged; ● reduced mailing rates (3rd class special non-profit rate) for three mailings to voting age population of the Congressional district.

Disincentives for Candidates who do not comply with Voluntary Spending Limits	●Complying candidates have individual contribution limits raised from $1,000 per election to $2,000 per election. ● Non-complying candidates receive no reduction in rates for broadcast advertisements. ● Complying candidates allowed to raise and spend up to twice the spending limits (ad still retain incentives) if non-candidates who exceeds spending cap. ● Fines and repayment for complying candidates who exceed limits.		●Complying candidates have individual contribution limits raised from $1,000 per election to $2,000 per election. ● Complying candidates allowed to raise and spend up to twice the spending limits (and still retain incentives) if non-candidate exceeds spending cap. ● Fines and repayment for complying candidates who exceed limits.

Qualification Requirements for Complying Candidates	●Statement vowing compliance with all limits. ● Raise 10% of general election limit or $250,000 from individuals without counting personal funds or out-of-state contributions that exceed 40% of general election limit.	No Provision	●Statement vowing compliance with all limits. ● Raise 10% of general election limit ($60,000) from individuals with only the first $200 of each contribution counting toward the threshold and 60% of threshold amount ($36,000) raised from in-state contributors.
Limit on Individual PAC Contributions to Candidates	Bans PACs but if ban is unconstitutional, then current $5,000 per election limit t a candidate reduced to $1,000.	No Provision	Current $5,000 per election PAC limit to a candidate reduced to $1,000.
Aggregate PAC Contribution Limits	●If PAC ban struck down, complying candidates can raise no more than 20% of spending limit from PACs.	No Provision	●Complying candidates can raise no more than 25% ($150,000) of spending limits from PACs).
Aggregate Limit on Individual Contributions to Candidates	No provision	No Provision	● Complying candidates can raise no more than 25% ($150,000) of spending limit from contributions greater than $250.
In-state/Out-of-state Contribution Limits	●Complying candidates must raise 60% of spending limits from in-state individual contributors. ● Small states exception would allow this requirement to be met if 60% of all contributors reside in-state.	No Provision	●Complying candidates must raise 60% of spending limit from in-state, individual contributors.

Use of Personal Funds	●Complying candidates limited to the lesser of $250,000 or 10% of general election spending limit.	If candidates agree to limit personal contributions to their campaigns to $50,000, they are eligible to receive funds under 441a(d) of Federal Elections Campaign Act (FECA). If candidates chooses not to comply, they are not eligible for any state or national party funds.	●Complying candidate limited to 10% of general election limit ($60,000)

Independent Expenditures	•If more than $10,000 in independent expenditures is made against a complying candidate, the complying candidate may spend an equal amount without violating spending caps. • Strict reporting and disclosure requirements in making independent expenditures. • Clarifies that independent expenditures must be truly independent (especially with respect to political parties) and broadens the definition of express advocacy to include all campaign-related communications.	• Clarifies that independent expenditures must be truly independent (especially with respect to political parties) and broadens the definition of express advocacy to include all campaign-related communications. • Strict reporting and disclosure requirements in making independent expenditures. Contributions of $1,000 made 20 days before an election shall be reported to the FEC within 24 hours. Contributions of $10,000 or more made 20 days before an election shall be reported to the FEC within 48 hours. • Expand definition of coordination expenditure to bring within the limits currently within the Federal Elections Campaign Act. • Expanded definition of coordination expenditures for actions taken by both parties and individuals. Most activities under this proposal would have to be truly independent.	•If more than $25,000 in independent expenditures is made against a complying candidate, the complying candidate may raise and spend an equal amount without violating spending caps. • Strict reporting and disclosure requirements in making independent expenditures. • Clarifies that independent expenditures must be truly independent (especially with respect to political parties) and broadens the definition of express advocacy to include all campaign-related communications.

Soft Money	●Eliminates the use of soft money in federal elections. ● No national or state party committee, may solicit, receive, or spend any funds to impact a federal election which are not subject to current federal law limitations. ● Provides for state party grassroots funds for voter registration, GOTV, sample ballots and voter files. ●Increases individual aggregate contribution limit from $25,000 per year to $30,000 per year to allow funding for grassroots fund.	●Eliminates the use of soft money in federal elections. ● No national or state party committee, may solicit, receive, or spend any funds to impact a federal election which are not subject to current federal law limitations. ● Provides for state party grassroots funds for voter registration, GOTV, sample ballots and voter files. ●Increases individual aggregate contribution limit from $25,000 per year to $30,000 per year to allow funding for grassroots fund.	●Eliminates the use of soft money in federal elections. ● No national or state party committee, may solicit, receive, or spend any funds to impact a federal election which are not subject to current federal law limitations. ● Increases individual aggregate contribution limit to parties from $20,000 to $25,000 per year.
Foreign M oney	●Individuals not qualified to vote are prohibited from making contributions to federal candidates.	● No Foreign nationals may directly or indirectly make contributions, in connection with local, state, or federal elections, to any political committee or candidate for Federal office. It is also unlawful for a person to solicit, accept, or receive a contribution from a foreign national. ●Any individual who is 17 years old or younger is prohibited from making contributions to a candidate or political party.	●Individuals not qualified to vote are prohibited from making contributions to federal candidates.
Bundling	Bans bundling during election year.	Bans bundling during election year.	Bans Bundling during election year.
Franked Mail	●Bans franked mass mailings during an election year.	●Bans franked mass mailings during an election year.	●Bans franked mass mailings during an election year.

FEC Enforcement Provisions	●FEC random audit authority. ●FEC injunctive authority. ●Electronic filing. ●FEC expedited procedures authority. Increase penalties for willful violations.	FEC random audit authority. ●FEC injunctive authority. ●Electronic filing. ●FEC expedited procedures authority. Increase penalties for willful violations.	●FEC random audit authority. ●FEC injunctive authority. ●Electronic filing. FEC independent litigation authority ●FEC expedited procedures authority ●Increase penalties for willful violations.