

PART FIVE—VIEWS

ADDITIONAL VIEWS OF SENATOR DANIEL K. INOUE

INTRODUCTION

In the Recommendations section of the Report, *“Gimme Five”—Investigation of Tribal Lobbying Matters*, the Committee discusses tribal political contributions and provides a proposed policy concept that it recommends be implemented either by rule by the Federal Election Commission or law enacted by Congress. I concur that more transparency is needed, however, I would clarify that the proposal should also apply to unincorporated associations. Although unincorporated associations are not within the jurisdiction of the Committee or this report, I would broaden this recommendation to ensure that unincorporated associations are included.

DISCUSSION

As the Report accurately notes, the Committee held an Oversight Hearing on Indian Tribes and the Federal Election Campaign Act and received testimony from various witnesses, including the Federal Election Commission (FEC) and others. The Report notes that the FEC testified that Indian tribes are subject to the same contribution limitations and prohibitions in the Federal Election Campaign Act as are other unincorporated associations. Further, the report noted that many witnesses testified about the difficulty in researching and monitoring tribal political contributions from Indian tribes, individual donors and other entities. Consequently, the Committee put forth a policy recommendation for either the FEC or Congress.

Although I agree with the Committee that this issue may need to be addressed, I must provide additional views to this particular recommendation as it could imply that the policy recommendation only applies to Indian tribes. Despite the Committee’s statement that the level of transparency with regards to all political contributions should be increased, the Report could be read to unfairly single out Indian tribes by proposing a recommendation that only addresses contributions by Indian tribes.

In lieu of the Committee’s recommendation regarding tribal campaign contributions, I would propose a broader recommendation of the issue identified by the FEC and other witnesses—that this issue affects Indian tribes and other entities. Since the FEC noted that Indian tribes are subject to the same contribution limitations and prohibitions as other unincorporated associations, I believe that the recommendation should continue this similar treatment, without unfairly singling out Indian tribes, by suggesting the following:

- Each unincorporated association that intends to make a federal campaign contribution should be required to obtain a unique identifier for the purpose of better tracking campaign contributions from unincorporated associations.
- For purposes of this policy only, Indian tribes shall be considered unincorporated associations.
- All federal campaign contributions from unincorporated associations shall include the unique identifier.
- The contributions must be reported by the recipient by the unique identifier as well as the name of the unincorporated association.

While donations from individual donors are subject to the same confusion, my suggestion makes no attempt to address this issue because of the burden and confusion that it would likely impose on individual donors as well as the burden on the FEC to enforce such a provision. I am willing, however, to consider other suggestions on how to increase the transparency of these contributions.