

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 87

To amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. KERRY (for himself, Mr. BIDEN, and Mr. BRADLEY) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT;**

2 **TABLE OF CONTENTS.**

3 (a) SHORT TITLE.—This Act may be cited as the  
4 “Congressional Campaign Spending Limit and Election  
5 Reform Act of 1993”.

6 (b) AMENDMENT OF FECA.—When used in this Act,  
7 the term “FECA” means the Federal Election Campaign  
8 Act of 1971 (2 U.S.C. 431 et seq.).

9 (c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of Campaign Act; table of contents.

Sec. 2. Findings and declarations of the Senate.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

Sec. 101. Senate spending limits and benefits.

Sec. 102. Restrictions on activities of political action and candidate committees  
in Federal elections.

Sec. 103. Reporting requirements.

Sec. 104. Disclosure by noneligible candidates.

Subtitle B—General Provisions

Sec. 131. Broadcast rates and preemption.

Sec. 132. Extension of reduced third-class mailing rates to eligible Senate can-  
didates.

Sec. 133. Reporting requirements for certain independent expenditures.

Sec. 134. Campaign advertising amendments.

Sec. 135. Definitions.

Sec. 136. Provisions relating to franked mass mailings.

TITLE II—INDEPENDENT EXPENDITURES

Sec. 201. Clarification of definitions relating to independent expenditures.

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

Sec. 301. Personal contributions and loans.

Sec. 302. Extensions of credit.

Subtitle B—Provisions Relating to Soft Money of Political Parties

Sec. 311. Contributions to political party committees.

Sec. 312. Provisions relating to national, State, and local party committees.

Sec. 313. Restrictions on fundraising by candidates and officeholders.

Sec. 314. Reporting requirements.

#### TITLE IV—CONTRIBUTIONS

Sec. 401. Contributions through intermediaries and conduits.

Sec. 402. Contributions by dependents not of voting age.

Sec. 403. Contributions to candidates from State and local committees of political parties to be aggregated.

Sec. 404. Limited exclusion of advances by campaign workers from the definition of the term “contribution”.

#### TITLE V—REPORTING REQUIREMENTS

Sec. 501. Change in certain reporting from a calendar year basis to an election cycle basis.

Sec. 502. Personal and consulting services.

Sec. 503. Reduction in threshold for reporting of certain information by persons other than political committees.

Sec. 504. Computerized indices of contributions.

#### TITLE VI—FEDERAL ELECTION COMMISSION

Sec. 601. Use of candidates’ names.

Sec. 602. Reporting requirements.

Sec. 603. Provisions relating to the general counsel of the Commission.

Sec. 604. Enforcement.

Sec. 605. Penalties.

Sec. 606. Random audits.

Sec. 607. Prohibition of false representation to solicit contributions.

Sec. 608. Regulations relating to use of non-Federal money.

#### TITLE VII—MISCELLANEOUS

Sec. 701. Prohibition of leadership committees.

Sec. 702. Polling data contributed to candidates.

#### TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

Sec. 801. Effective date.

Sec. 802. Sense of the Senate regarding funding of Senate Election Campaign Fund.

Sec. 803. Severability.

Sec. 804. Expedited review of constitutional issues.

### 1 **SEC. 2. FINDINGS AND DECLARATIONS OF THE SENATE.**

2 (a) NECESSITY FOR SPENDING LIMITS.—The Senate  
3 finds and declares that—

4 (1) the current system of campaign finance has  
5 led to public perceptions that political contributions

1 and their solicitation have unduly influenced the offi-  
2 cial conduct of elected officials;

3 (2) permitting candidates for Federal office to  
4 raise and spend unlimited amounts of money con-  
5 stitutes a fundamental flaw in the current system of  
6 campaign finance, and has undermined public re-  
7 spect for the Senate as an institution;

8 (3) the failure to limit campaign expenditures  
9 has caused individuals elected to the Senate to spend  
10 an increasing proportion of their time in office as  
11 elected officials raising funds, interfering with the  
12 ability of the Senate to carry out its constitutional  
13 responsibilities;

14 (4) the failure to limit campaign expenditures  
15 has damaged the Senate as an institution, due to the  
16 time lost to raising funds for campaigns; and

17 (5) to prevent the appearance of corruption and  
18 to restore public trust in the Senate as an institu-  
19 tion, it is necessary to limit campaign expenditures,  
20 through a system which provides public benefits to  
21 candidates who agree to limit campaign expendi-  
22 tures.

23 (b) NECESSITY FOR LIMITS ON POLITICAL ACTION  
24 COMMITTEES.—The Senate finds and declares that—

1           (1) contributions by political action committees  
2           to individual candidates have created the perception  
3           that candidates are beholden to special interests,  
4           and leave candidates open to charges of corruption;

5           (2) unconstrained contributions by political ac-  
6           tion committees to individual candidates have under-  
7           mined public confidence in the Senate as an institu-  
8           tion; and

9           (3) to prevent the appearance of corruption and  
10          to restore public trust in the Senate as an institu-  
11          tion, it is necessary to limit contributions by political  
12          action committees, while allowing such committees  
13          to continue to participate in the political process  
14          through other means, such as through independent  
15          expenditures.

16          (c) NECESSITY FOR ATTRIBUTING COOPERATIVE EX-  
17          PENDITURES TO CANDIDATES.—The Senate finds and de-  
18          clares that—

19               (1) public confidence and trust in the system of  
20               campaign finance would be undermined should any  
21               candidate be able to circumvent a system of caps on  
22               expenditures through cooperative expenditures with  
23               outside individuals, groups, or organizations;

24               (2) cooperative expenditures by candidates with  
25               outside individuals, groups, or organizations would

1 severely undermine the effectiveness of caps on cam-  
 2 paign expenditures, unless they are included within  
 3 such caps; and

4 (3) to maintain the integrity of the system of  
 5 campaign finance, expenditures by any individual,  
 6 group, or organization that have been made in co-  
 7 operation with any candidate, authorized committee,  
 8 or agent of any candidate must be attributed to that  
 9 candidate's cap on campaign expenditures.

10 **TITLE I—CONTROL OF CON-**  
 11 **GRESSIONAL CAMPAIGN**  
 12 **SPENDING**

13 **Subtitle A—Senate Election Cam-**  
 14 **paign Spending Limits and Ben-**  
 15 **efits**

16 **SEC. 101. SENATE SPENDING LIMITS AND BENEFITS.**

17 (a) IN GENERAL.—FECA is amended by adding at  
 18 the end the following new title:

19 **“TITLE V—SPENDING LIMITS**  
 20 **AND BENEFITS FOR SENATE**  
 21 **ELECTION CAMPAIGNS**

22 **“SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.**

23 “(a) IN GENERAL.—For purposes of this title, a can-  
 24 didate is an eligible Senate candidate if the candidate—

1           “(1) meets the primary and general election fil-  
2           ing requirements of subsections (b) and (c);

3           “(2) meets the primary and runoff election ex-  
4           penditure limits of subsection (d); and

5           “(3) meets the threshold contribution require-  
6           ments of subsection (e).

7           “(b) PRIMARY FILING REQUIREMENTS.—(1) The re-  
8           quirements of this subsection are met if the candidate files  
9           with the Secretary of the Senate a declaration that—

10           “(A) the candidate and the candidate’s author-  
11           ized committees—

12           “(i)(I) will meet the primary and runoff  
13           election expenditure limits of subsection (d);  
14           and

15           “(II) will only accept contributions for the  
16           primary and runoff elections which do not ex-  
17           ceed such limits; and

18           “(ii)(I) will meet the primary and runoff  
19           election multicandidate political committee con-  
20           tribution limits of subsection (f); and

21           “(II) will only accept contributions for the  
22           primary and runoff elections from  
23           multicandidate political committees which do  
24           not exceed such limits;

1           “(B) the candidate and the candidate’s author-  
2           ized committees will meet the general election ex-  
3           penditure limit under section 502(b); and

4           “(C) the candidate and the candidate’s author-  
5           ized committees will meet the limitation on expendi-  
6           tures from personal funds under section 502(a).

7           “(2) The declaration under paragraph (1) shall be  
8           filed not later than the date the candidate files as a can-  
9           didate for the primary election.

10          “(c) GENERAL ELECTION FILING REQUIREMENTS.—

11          (1) The requirements of this subsection are met if the can-  
12          didate files a certification with the Secretary of the Senate  
13          under penalty of perjury that—

14                 “(A) the candidate and the candidate’s author-  
15                 ized committees—

16                         “(i)(I) met the primary and runoff election  
17                         expenditure limits under subsection (d); and

18                         “(II) did not accept contributions for the  
19                         primary or runoff election in excess of the pri-  
20                         mary or runoff expenditure limit under sub-  
21                         section (d), whichever is applicable, reduced by  
22                         any amounts transferred to this election cycle  
23                         from a preceding election cycle; and



1           “(ii)(I) met the multicandidate political  
2 committee contribution limits under subsection  
3 (f); and

4           “(II) did not accept contributions for the  
5 primary or runoff election in excess of the  
6 multicandidate political committee contribution  
7 limits under subsection (f);

8           “(B) the candidate met the threshold contribu-  
9 tion requirement under subsection (e), and that only  
10 allowable contributions were taken into account in  
11 meeting such requirement;

12           “(C) at least one other candidate has qualified  
13 for the same general election ballot under the law of  
14 the State involved;

15           “(D) such candidate and the authorized com-  
16 mittees of such candidate—

17           “(i) except as otherwise provided by this  
18 title, will not make expenditures which exceed  
19 the general election expenditure limit under sec-  
20 tion 502(b);

21           “(ii) will not accept any contributions in  
22 violation of section 315;

23           “(iii) except as otherwise provided by this  
24 title, will not accept any contribution for the  
25 general election involved to the extent that such

1 contribution would cause the aggregate amount  
2 of such contributions to exceed the sum of the  
3 amount of the general election expenditure limit  
4 under section 502(b) and the amounts de-  
5 scribed in subsections (c) and (d) of section  
6 502, reduced by—

7 “(I) the amount of voter communica-  
8 tion vouchers issued to the candidate; and

9 “(II) any amounts transferred to this  
10 election cycle from a previous election cycle  
11 and not taken into account under subpara-  
12 graph (A)(ii);

13 “(iv) will deposit all payments received  
14 under this title in an account insured by the  
15 Federal Deposit Insurance Corporation from  
16 which funds may be withdrawn by check or  
17 similar means of payment to third parties;

18 “(v) will furnish campaign records, evi-  
19 dence of contributions, and other appropriate  
20 information to the Commission; and

21 “(vi) will cooperate in the case of any audit  
22 and examination by the Commission under sec-  
23 tion 506; and

24 “(E) the candidate intends to make use of the  
25 benefits provided under section 503.

1 “(2) The declaration under paragraph (1) shall be  
2 filed not later than 7 days after the earlier of—

3 “(A) the date the candidate qualifies for the  
4 general election ballot under State law; or

5 “(B) if, under State law, a primary or runoff  
6 election to qualify for the general election ballot oc-  
7 curs after September 1, the date the candidate wins  
8 the primary or runoff election.

9 “(d) PRIMARY AND RUNOFF EXPENDITURE LIM-  
10 ITS.—(1) The requirements of this subsection are met if:

11 “(A) The candidate or the candidate’s author-  
12 ized committees did not make expenditures for the  
13 primary election in excess of the lesser of—

14 “(i) 67 percent of the general election ex-  
15 penditure limit under section 502(b); or

16 “(ii) \$2,750,000.

17 “(B) The candidate and the candidate’s author-  
18 ized committees did not make expenditures for any  
19 runoff election in excess of 20 percent of the general  
20 election expenditure limit under section 502(b).

21 “(2) The limitations under subparagraphs (A) and  
22 (B) of paragraph (1) with respect to any candidate shall  
23 be increased by the aggregate amount of independent ex-  
24 penditures in opposition to, or on behalf of any opponent  
25 of, such candidate during the primary or runoff election

1 period, whichever is applicable, which are required to be  
2 reported to the Secretary of the Senate with respect to  
3 such period under section 304(c).

4 “(3)(A) If the contributions received by the candidate  
5 or the candidate’s authorized committees for the primary  
6 election or runoff election exceed the expenditures for ei-  
7 ther such election, such excess contributions shall be treat-  
8 ed as contributions for the general election and expendi-  
9 tures for the general election may be made from such ex-  
10 cess contributions.

11 “(B) Subparagraph (A) shall not apply to the extent  
12 that such treatment of excess contributions—

13 “(i) would result in the violation of any limita-  
14 tion under section 315; or

15 “(ii) would cause the aggregate contributions  
16 received for the general election to exceed the limits  
17 under subsection (c)(1)(D)(iii).

18 “(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—

19 (1) The requirements of this subsection are met if the can-  
20 didate and the candidate’s authorized committees have re-  
21 ceived allowable contributions during the applicable period  
22 in an amount at least equal to the lesser of—

23 “(A) 10 percent of the general election expendi-  
24 ture limit under section 502(b); or

25 “(B) \$250,000.

1       “(2) For purposes of this section and section  
2 503(b)—

3           “(A) The term ‘allowable contributions’ means  
4 contributions which are made as gifts of money by  
5 an individual pursuant to a written instrument iden-  
6 tifying such individual as the contributor.

7           “(B) The term ‘allowable contributions’ shall  
8 not include—

9           “(i) contributions made directly or indi-  
10 rectly through an intermediary or conduit which  
11 are treated as made by such intermediary or  
12 conduit under section 315(a)(8)(B);

13           “(ii) contributions from any individual dur-  
14 ing the applicable period to the extent such con-  
15 tributions exceed \$250; or

16           “(iii) contributions from individuals resid-  
17 ing outside the candidate’s State to the extent  
18 such contributions exceed 50 percent of the ag-  
19 gregate allowable contributions (without regard  
20 to this clause) received by the candidate during  
21 the applicable period.

22       Clauses (ii) and (iii) shall not apply for purposes of  
23 section 503(b).

24       “(3) For purposes of this subsection and section  
25 503(b), the term ‘applicable period’ means—

1           “(A) the period beginning on January 1 of the  
2           calendar year preceding the calendar year of the  
3           general election involved and ending on—

4                   “(i) the date on which the certification  
5                   under subsection (c) is filed by the candidate;  
6                   or

7                   “(ii) for purposes of section 503(b), the  
8                   date of such general election; or

9           “(B) in the case of a special election for the of-  
10          fice of United States Senator, the period beginning  
11          on the date the vacancy in such office occurs and  
12          ending on the date of the general election involved.

13          “(f) MULTICANDIDATE POLITICAL COMMITTEE CON-  
14          TRIBUTION LIMITS.—The requirements of this subsection  
15          are met if the candidate and the candidate’s authorized  
16          committees have accepted contributions from  
17          multicandidate political committees contributions that do  
18          not exceed—

19                   “(1) during the primary election period, an  
20                   amount equal to 20 percent of the primary election  
21                   spending limit under subsection (d)(1)(A); and

22                   “(2) during the runoff election period, an  
23                   amount equal to 20 percent of the runoff election  
24                   spending limit under subsection (d)(1)(B).

1       “(g) INDEXING.—The \$2,750,000 amount under sub-  
2 section (d)(1) shall be increased as of the beginning of  
3 each calendar year based on the increase in the price index  
4 determined under section 315(c), except that, for purposes  
5 of subsection (d)(1), the base period shall be calendar year  
6 1992.

7       **“SEC. 502. LIMITATIONS ON EXPENDITURES.**

8       “(a) LIMITATION ON USE OF PERSONAL FUNDS.—  
9 (1) The aggregate amount of expenditures which may be  
10 made during an election cycle by an eligible Senate can-  
11 didate or such candidate’s authorized committees from the  
12 sources described in paragraph (2) shall not exceed the  
13 lesser of—

14               “(A) 10 percent of the general election expendi-  
15 ture limit under subsection (b); or

16               “(B) \$250,000.

17       “(2) A source is described in this paragraph if it is—

18               “(A) personal funds of the candidate and mem-  
19 bers of the candidate’s immediate family; or

20               “(B) personal debt incurred by the candidate  
21 and members of the candidate’s immediate family.

22       “(b) GENERAL ELECTION EXPENDITURE LIMIT.—

23 (1) Except as otherwise provided in this title, the aggre-  
24 gate amount of expenditures for a general election by an

1 eligible Senate candidate and the candidate's authorized  
2 committees shall not exceed the lesser of—

3           “(A) \$5,500,000; or

4           “(B) the greater of—

5                 “(i) \$950,000; or

6                 “(ii) \$400,000; plus

7                         “(I) 30 cents multiplied by the voting  
8 age population not in excess of 4,000,000;  
9 and

10                         “(II) 25 cents multiplied by the voting  
11 age population in excess of 4,000,000.

12           “(2) In the case of an eligible Senate candidate in  
13 a State which has no more than 1 transmitter for a com-  
14 mercial Very High Frequency (VHF) television station li-  
15 censed to operate in that State, paragraph (1)(B)(ii) shall  
16 be applied by substituting—

17                 “(A) ‘80 cents’ for ‘30 cents’ in subclause (I);

18           and

19                 “(B) ‘70 cents’ for ‘25 cents’ in subclause (II).

20           “(3) The amount otherwise determined under para-  
21 graph (1) for any calendar year shall be increased by the  
22 same percentage as the percentage increase for such cal-  
23 endar year under section 501(f) (relating to indexing).

24           “(c) LEGAL AND ACCOUNTING COMPLIANCE  
25 FUND.—(1) The limitation under subsection (b) shall not



1 apply to qualified legal and accounting expenditures made  
2 by a candidate or the candidate's authorized committees  
3 or a Federal officeholder from a legal and accounting com-  
4 pliance fund meeting the requirements of paragraph (2).

5       “(2) A legal and accounting compliance fund meets  
6 the requirements of this paragraph if—

7               “(A) the only amounts transferred to the fund  
8 are amounts received in accordance with the limita-  
9 tions, prohibitions, and reporting requirements of  
10 this Act;

11               “(B) the aggregate amounts transferred to, and  
12 expenditures made from, the fund do not exceed the  
13 sum of—

14                       “(i) the lesser of—

15                               “(I) 15 percent of the general election  
16 expenditure limit under subsection (b) for  
17 the general election for which the fund was  
18 established; or

19                               “(II) \$300,000; plus

20                       “(ii) the amount determined under para-  
21 graph (4); and

22               “(C) no funds received by the candidate pursu-  
23 ant to section 503(a)(3) may be transferred to the  
24 fund.

1       “(3) For purposes of this subsection, the term ‘quali-  
2       fied legal and accounting expenditures’ means the follow-  
3       ing:

4               “(A) Any expenditures for costs of legal and ac-  
5       counting services provided in connection with—

6                       “(i) any administrative or court proceeding  
7       initiated pursuant to this Act during the elec-  
8       tion cycle for such general election; or

9                       “(ii) the preparation of any documents or  
10      reports required by this Act or the Commission.

11               “(B) Any expenditures for legal and accounting  
12      services provided in connection with the general elec-  
13      tion for which the legal and accounting compliance  
14      fund was established to ensure compliance with this  
15      Act with respect to the election cycle for such gen-  
16      eral election.

17       “(4)(A) If, after a general election, a candidate deter-  
18      mines that the qualified legal and accounting expenditures  
19      will exceed the limitation under paragraph (2)(B)(i), the  
20      candidate may petition the Commission by filing with the  
21      Secretary of the Senate a request for an increase in such  
22      limitation. The Commission shall authorize an increase in  
23      such limitation in the amount (if any) by which the Com-  
24      mission determines the qualified legal and accounting ex-

1 penditures exceed such limitation. Such determination  
2 shall be subject to judicial review under section 506.

3 “(B) Except as provided in section 315, any contribu-  
4 tion received or expenditure made pursuant to this para-  
5 graph shall not be taken into account for any contribution  
6 or expenditure limit applicable to the candidate under this  
7 title.

8 “(5) Any funds in a legal and accounting compliance  
9 fund shall be treated for purposes of this Act as a separate  
10 segregated fund, except that any portion of the fund not  
11 used to pay qualified legal and accounting expenditures,  
12 and not transferred to a legal and accounting compliance  
13 fund for the election cycle for the next general election,  
14 shall be treated in the same manner as other campaign  
15 funds.

16 “(d) PAYMENT OF TAXES.—The limitation under  
17 subsection (b) shall not apply to any expenditure for Fed-  
18 eral, State, or local taxes with respect to a candidate’s au-  
19 thorized committees.

20 “(e) EXPENDITURES.—For purposes of this title, the  
21 term ‘expenditure’ has the meaning given such term by  
22 section 301(9), except that in determining any expendi-  
23 tures made by, or on behalf of, a candidate or a can-  
24 didate’s authorized committees, section 301(9)(B) shall be  
25 applied without regard to clause (ii) or (vi) thereof.

1 **“SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO**  
2 **RECEIVE.**

3 “(a) IN GENERAL.—An eligible Senate candidate  
4 shall be entitled to—

5 “(1) the broadcast media rates provided under  
6 section 315(b) of the Communications Act of 1934;

7 “(2) the mailing rates provided in section  
8 3626(e) of title 39, United States Code;

9 “(3) payments in the amounts determined  
10 under subsection (b); and

11 “(4) voter communication vouchers in the  
12 amount determined under subsection (c).

13 “(b) AMOUNT OF PAYMENTS.—(1) For purposes of  
14 subsection (a)(3), the amounts determined under this sub-  
15 section are—

16 “(A) the public financing amount;

17 “(B) the independent expenditure amount; and

18 “(C) in the case of an eligible Senate candidate  
19 who has an opponent in the general election who re-  
20 ceives contributions, or makes (or obligates to make)  
21 expenditures, for such election in excess of the gen-  
22 eral election expenditure limit under section 502(b),  
23 the excess expenditure amount.

24 “(2) For purposes of paragraph (1), the public fi-  
25 nancing amount is—

1           “(A) in the case of an eligible candidate who is  
2 a major party candidate and who has met the  
3 threshold requirement of section 501(e)—

4           “(i) during the primary election period, an  
5 amount equal to the amount of contributions  
6 received during that period from individuals re-  
7 siding in the candidate’s State in the aggregate  
8 amount of \$250 or less, up to 50 percent of the  
9 primary election spending limit under section  
10 501(d)(1)(A), reduced by the threshold require-  
11 ment under section 501(e);

12           “(ii) during the runoff election period, an  
13 amount equal to the amount of contributions  
14 received during that period from individuals re-  
15 siding in the candidate’s State in the aggregate  
16 amount of \$250 or less, up to 10 percent of the  
17 general election spending limit under section  
18 501(d)(1)(B); and

19           “(iii) during the general election period, an  
20 amount equal to the general election expendi-  
21 ture limit applicable to the candidate under sec-  
22 tion 502(b) (without regard to paragraph (4)  
23 thereof) reduced by the amount of voter com-  
24 munication vouchers issued to the eligible can-  
25 didate; and

1           “(B) in the case of an eligible candidate who is  
2 not a major party candidate and who has met the  
3 threshold requirement of section 501(e)—

4           “(i) during the primary election period, an  
5 amount equal to the amount of contributions  
6 received during that period from individuals re-  
7 siding in the candidate’s State in the aggregate  
8 amount of \$250 or less, up to 50 percent of the  
9 primary election spending limit under section  
10 501(d)(1)(A), reduced by the threshold require-  
11 ment under section 501(e);

12           “(ii) during the runoff election period, an  
13 amount equal to the amount of contributions  
14 received during that period from individuals re-  
15 siding in the candidate’s State in the aggregate  
16 amount of \$250 or less, up to 10 percent of the  
17 general election spending limit under section  
18 501(d)(1)(B); and

19           “(iii) during the general election period, an  
20 amount equal to the amount of contributions  
21 received during that period from individuals re-  
22 siding in the candidate’s State in the aggregate  
23 amount of \$250 or less, up to 50 percent of the  
24 general election spending limit under section  
25 502(b).

1       “(3) For purposes of paragraph (1), the independent  
2 expenditure amount is the total amount of independent  
3 expenditures made, or obligated to be made, during the  
4 general election period by 1 or more persons in opposition  
5 to, or on behalf of an opponent of, an eligible Senate can-  
6 didate which are required to be reported by such persons  
7 under section 304(c) with respect to the general election  
8 period and are certified by the Commission under section  
9 304(c).

10       “(4) For purposes of paragraph (1), the excess ex-  
11 penditure amount is the amount determined as follows:

12               “(A) In the case of a major party candidate, an  
13 amount equal to the sum of—

14                       “(i) if the excess described in paragraph  
15 (1)(C) is not greater than  $133\frac{1}{3}$  percent of the  
16 general election expenditure limit under section  
17 502(b), an amount equal to one-third of such  
18 limit applicable to the eligible Senate candidate  
19 for the election; plus

20                       “(ii) if such excess equals or exceeds  $133\frac{1}{3}$   
21 percent but is less than  $166\frac{2}{3}$  percent of such  
22 limit, an amount equal to one-third of such  
23 limit; plus

1           “(iii) if such excess equals or exceeds  
2           166<sup>2</sup>/<sub>3</sub> percent of such limit, an amount equal  
3           to one-third of such limit.

4           “(B) In the case of an eligible Senate candidate  
5           who is not a major party candidate, an amount  
6           equal to the amount of contributions received during  
7           that period from individuals residing in the can-  
8           didate’s State in the aggregate amount of \$250 or  
9           less, up to 50 percent of the general election spend-  
10          ing limit under section 502(b).

11          “(c) VOTER COMMUNICATION VOUCHERS.—(1) The  
12          aggregate amount of voter communication vouchers issued  
13          to an eligible Senate candidate during a general election  
14          period shall be equal to 50 percent of the general election  
15          expenditure limit under section 502(b) (25 percent of such  
16          limit if such candidate is not a major party candidate).

17          “(2) Voter communication vouchers shall be used by  
18          an eligible Senate candidate to purchase broadcast time  
19          during the general election period in the same manner as  
20          other broadcast time may be purchased by the candidate.

21          “(d) WAIVER OF EXPENDITURE AND CONTRIBUTION  
22          LIMITS.—(1) An eligible Senate candidate who receives  
23          payments under subsection (a)(3) which are allocable to  
24          the independent expenditure or excess expenditure  
25          amounts described in paragraphs (3) and (4) of subsection



1 (b) may make expenditures from such payments to defray  
2 expenditures for the general election without regard to the  
3 general election expenditure limit under section 502(b).

4 “(2)(A) An eligible Senate candidate who receives  
5 benefits under this section may make expenditures for the  
6 general election without regard to clause (i) of section  
7 501(c)(1)(D) or subsection (a) or (b) of section 502 if any  
8 one of the eligible Senate candidate’s opponents who is  
9 not an eligible Senate candidate either raises aggregate  
10 contributions, or makes or becomes obligated to make ag-  
11 gregate expenditures, for the general election that exceed  
12 200 percent of the general election expenditure limit appli-  
13 cable to the eligible Senate candidate under section  
14 502(b).

15 “(B) The amount of the expenditures which may be  
16 made by reason of subparagraph (A) shall not exceed 100  
17 percent of the general election expenditure limit under sec-  
18 tion 502(b).

19 “(3)(A) A candidate who receives benefits under this  
20 section may receive contributions for the general election  
21 without regard to clause (iii) of section 501(c)(1)(D) if—

22 “(i) a major party candidate in the same gen-  
23 eral election is not an eligible Senate candidate; or

24 “(ii) any other candidate in the same general  
25 election who is not an eligible Senate candidate

1 raises aggregate contributions, or makes or becomes  
2 obligated to make aggregate expenditures, for the  
3 general election that exceed 75 percent of the gen-  
4 eral election expenditure limit applicable to such  
5 other candidate under section 502(b).

6 “(B) The amount of contributions which may be re-  
7 ceived by reason of subparagraph (A) shall not exceed 100  
8 percent of the general election expenditure limit under sec-  
9 tion 502(b).

10 “(e) USE OF PAYMENTS.—Payments received by a  
11 candidate under subsection (a)(3) shall be used to defray  
12 expenditures incurred with respect to the general election  
13 period for the candidate. Such payments shall not be  
14 used—

15 “(1) except as provided in paragraph (4), to  
16 make any payments, directly or indirectly, to such  
17 candidate or to any member of the immediate family  
18 of such candidate;

19 “(2) to make any expenditure other than ex-  
20 penditures to further the general election of such  
21 candidate;

22 “(3) to make any expenditures which constitute  
23 a violation of any law of the United States or of the  
24 State in which the expenditure is made; or

1           “(4) subject to the provisions of section 315(k),  
2           to repay any loan to any person except to the extent  
3           the proceeds of such loan were used to further the  
4           general election of such candidate.

5   **“SEC. 504. CERTIFICATION BY COMMISSION.**

6           “(a) IN GENERAL.—(1) The Commission shall certify  
7           to any candidate meeting the requirements of section 501  
8           that such candidate is an eligible Senate candidate entitled  
9           to benefits under this title. The Commission shall revoke  
10          such certification if it determines a candidate fails to con-  
11          tinue to meet such requirements.

12          “(2) No later than 48 hours after an eligible Senate  
13          candidate files a request with the Secretary of the Senate  
14          to receive benefits under section 501, the Commission  
15          shall issue a certification stating whether such candidate  
16          is eligible for payments under this title or to receive voter  
17          communication vouchers and the amount of such pay-  
18          ments or vouchers to which such candidate is entitled. The  
19          request referred to in the preceding sentence shall con-  
20          tain—

21                  “(A) such information and be made in accord-  
22                  ance with such procedures as the Commission may  
23                  provide by regulation; and

24                  “(B) a verification signed by the candidate and  
25                  the treasurer of the principal campaign committee of

1 such candidate stating that the information fur-  
2 nished in support of the request, to the best of their  
3 knowledge, is correct and fully satisfies the require-  
4 ments of this title.

5 “(b) DETERMINATIONS BY COMMISSION.—All deter-  
6 minations (including certifications under subsection (a))  
7 made by the Commission under this title shall be final and  
8 conclusive, except to the extent that they are subject to  
9 examination and audit by the Commission under section  
10 505 and judicial review under section 506.

11 **“SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS; CIVIL**  
12 **PENALTIES.**

13 “(a) EXAMINATION AND AUDITS.—(1) After each  
14 general election, the Commission shall conduct an exam-  
15 ination and audit of the campaign accounts of 10 percent  
16 of all candidates for the office of United States Senator  
17 to determine, among other things, whether such can-  
18 didates have complied with the expenditure limits and con-  
19 ditions of eligibility of this title, and other requirements  
20 of this Act. Such candidates shall be designated by the  
21 Commission through the use of an appropriate statistical  
22 method of random selection. If the Commission selects a  
23 candidate, the Commission shall examine and audit the  
24 campaign accounts of all other candidates in the general  
25 election for the office the selected candidate is seeking.

1       “(2) The Commission may conduct an examination  
2 and audit of the campaign accounts of any candidate in  
3 a general election for the office of United States Senator  
4 if the Commission determines that there exists reason to  
5 believe that such candidate may have violated any provi-  
6 sion of this title.

7       “(b) EXCESS PAYMENTS; REVOCATION OF STA-  
8 TUS.—(1) If the Commission determines that payments  
9 or vouchers were made to an eligible Senate candidate  
10 under this title in excess of the aggregate amounts to  
11 which such candidate was entitled, the Commission shall  
12 so notify such candidate, and such candidate shall pay an  
13 amount equal to the excess.

14       “(2) If the Commission revokes the certification of  
15 a candidate as an eligible Senate candidate under section  
16 504(a)(1), the Commission shall notify the candidate, and  
17 the candidate shall pay an amount equal to the payments  
18 and vouchers received under this title.

19       “(c) MISUSE OF BENEFITS.—If the Commission de-  
20 termines that any amount of any benefit made available  
21 to an eligible Senate candidate under this title was not  
22 used as provided for in this title, the Commission shall  
23 so notify such candidate and such candidate shall pay the  
24 amount of such benefit.

1       “(d) EXCESS EXPENDITURES.—If the Commission  
2 determines that any eligible Senate candidate who has re-  
3 ceived benefits under this title has made expenditures  
4 which in the aggregate exceed—

5           “(1) the primary or runoff expenditure limit  
6 under section 501(d); or

7           “(2) the general election expenditure limit  
8 under section 502(b),

9 the Commission shall so notify such candidate and such  
10 candidate shall pay an amount equal to the amount of the  
11 excess expenditures.

12       “(e) CIVIL PENALTIES FOR EXCESS EXPENDITURES  
13 AND CONTRIBUTIONS.—(1) If the Commission determines  
14 that a candidate has committed a violation described in  
15 subsection (c), the Commission may assess a civil penalty  
16 against such candidate in an amount not greater than 200  
17 percent of the amount involved.

18       “(2)(A) LOW AMOUNT OF EXCESS EXPENDI-  
19 TURES.—Any eligible Senate candidate who makes ex-  
20 penditures that exceed any limitation described in para-  
21 graph (1) or (2) of subsection (d) by 2.5 percent or less  
22 shall pay an amount equal to the amount of the excess  
23 expenditures.

24       “(B) MEDIUM AMOUNT OF EXCESS EXPENDI-  
25 TURES.—Any eligible Senate candidate who makes ex-

1 penditures that exceed any limitation described in para-  
2 graph (1) or (2) of subsection (d) by more than 2.5 per-  
3 cent and less than 5 percent shall pay an amount equal  
4 to three times the amount of the excess expenditures.

5       “(C) LARGE AMOUNT OF EXCESS EXPENDITURES.—  
6 Any eligible Senate candidate who makes expenditures  
7 that exceed any limitation described in paragraph (1) or  
8 (2) of subsection (d) by 5 percent or more shall pay an  
9 amount equal to three times the amount of the excess ex-  
10 penditures plus a civil penalty in an amount determined  
11 by the Commission.

12       “(f) UNEXPENDED FUNDS.—Any amount received by  
13 an eligible Senate candidate under this title may be re-  
14 tained for a period not exceeding 120 days after the date  
15 of the general election for the liquidation of all obligations  
16 to pay expenditures for the general election incurred dur-  
17 ing the general election period. At the end of such 120-  
18 day period, any unexpended funds received under this title  
19 shall be promptly repaid.

20       “(g) LIMIT ON PERIOD FOR NOTIFICATION.—No no-  
21 tification shall be made by the Commission under this sec-  
22 tion with respect to an election more than three years after  
23 the date of such election.





1 neys employed in its office or by counsel whom it may ap-  
2 point without regard to the provisions of title 5, United  
3 States Code, governing appointments in the competitive  
4 service, and whose compensation it may fix without regard  
5 to the provisions of chapter 51 and subchapter III of chap-  
6 ter 53 of such title.

7       “(b) INSTITUTION OF ACTIONS.—The Commission is  
8 authorized, through attorneys and counsel described in  
9 subsection (a), to institute actions in the district courts  
10 of the United States to seek recovery of any amounts de-  
11 termined under this title to be payable to the Secretary.

12       “(c) INJUNCTIVE RELIEF.—The Commission is au-  
13 thorized, through attorneys and counsel described in sub-  
14 section (a), to petition the courts of the United States for  
15 such injunctive relief as is appropriate in order to imple-  
16 ment any provision of this title.

17       “(d) APPEALS.—The Commission is authorized on  
18 behalf of the United States to appeal from, and to petition  
19 the Supreme Court for certiorari to review, judgments or  
20 decrees entered with respect to actions in which it appears  
21 pursuant to the authority provided in this section.

22 **“SEC. 508. REPORTS TO CONGRESS; REGULATIONS.**

23       “(a) REPORTS.—The Commission shall, as soon as  
24 practicable after each election, submit a full report to the  
25 Senate setting forth—

1           “(1) the expenditures (shown in such detail as  
2           the Commission determines appropriate) made by  
3           each eligible Senate candidate and the authorized  
4           committees of such candidate;

5           “(2) the amounts certified by the Commission  
6           under section 504 as benefits available to each eligi-  
7           ble Senate candidate;

8           “(3) the amount of repayments, if any, required  
9           under section 505 and the reasons for each repay-  
10          ment required; and

11          “(4) the balance in the Senate Election Cam-  
12          paign Fund, and the balance in any account main-  
13          tained by the Fund.

14 Each report submitted pursuant to this section shall be  
15 printed as a Senate document.

16          “(b) RULES AND REGULATIONS.—The Commission  
17 is authorized to prescribe such rules and regulations, in  
18 accordance with the provisions of subsection (c), to con-  
19 duct such examinations and investigations, and to require  
20 the keeping and submission of such books, records, and  
21 information, as it deems necessary to carry out the func-  
22 tions and duties imposed on it by this title.

23          “(c) STATEMENT TO SENATE.—Thirty days before  
24 prescribing any rules or regulation under subsection (b),  
25 the Commission shall transmit to the Senate a statement

1 setting forth the proposed rule or regulation and contain-  
2 ing a detailed explanation and justification of such rule  
3 or regulation.

4 **“SEC. 509. PAYMENTS RELATING TO ELIGIBLE CAN-**  
5 **DIDATES.**

6 “(a) ESTABLISHMENT OF CAMPAIGN FUND.—(1)  
7 There is established on the books of the Treasury of the  
8 United States a special fund to be known as the ‘Senate  
9 Election Campaign Fund’.

10 “(2)(A) There are appropriated to the Fund for each  
11 fiscal year, out of amounts in the general fund of the  
12 Treasury not otherwise appropriated, amounts equal to—

13 “(i) any contributions by persons which are spe-  
14 cifically designated as being made to the Fund;

15 “(ii) amounts collected under section 505(h);  
16 and

17 “(iii) any other amounts that may be appro-  
18 priated to or deposited into the Fund under this  
19 title.

20 “(B) The Secretary of the Treasury shall, from time  
21 to time, transfer to the Fund an amount not in excess  
22 of the amounts described in subparagraph (A).

23 “(C) Amounts in the Fund shall remain available  
24 without fiscal year limitation.

1       “(3) Amounts in the Fund shall be available only for  
2 the purposes of—

3           “(A) making payments required under this title;  
4 and

5           “(B) making expenditures in connection with  
6 the administration of the Fund.

7       “(4) The Secretary shall maintain such accounts in  
8 the Fund as may be required by this title or which the  
9 Secretary determines to be necessary to carry out the pro-  
10 visions of this title.

11       “(b) PAYMENTS UPON CERTIFICATION.—Upon re-  
12 ceipt of a certification from the Commission under section  
13 504, except as provided in subsection (d), the Secretary  
14 shall promptly pay the amount certified by the Commis-  
15 sion to the candidate out of the Senate Election Campaign  
16 Fund.

17       “(c) VOUCHERS.—(1) Upon receipt of a certification  
18 from the Commission under section 504, except as pro-  
19 vided in subsection (d), the Secretary of the Treasury shall  
20 issue to an eligible candidate the amount of voter commu-  
21 nication vouchers specified in such certification.

22       “(2) Upon receipt of a voter communication voucher  
23 from a licensee providing broadcast time to an eligible can-  
24 didate, the Secretary of the Treasury shall pay to such

1 licensee from the Senate Election Campaign Fund the face  
2 value of such voucher.

3       “(d) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFI-  
4 CIENT.—(1) If, at the time of a certification by the Com-  
5 mission under section 504 for payment, or issuance or a  
6 voucher, to an eligible candidate, the Secretary determines  
7 that the monies in the Senate Election Campaign Fund  
8 are not, or may not be, sufficient to satisfy the full entitle-  
9 ment of all eligible candidates, the Secretary shall with-  
10 hold from the amount of such payment or voucher such  
11 amount as the Secretary determines to be necessary to as-  
12 sure that each eligible candidate will receive the same pro  
13 rata share of such candidate’s full entitlement.

14       “(2) Amounts and vouchers withheld under subpara-  
15 graph (A) shall be paid when the Secretary determines  
16 that there are sufficient monies in the Fund to pay all,  
17 or a portion thereof, to all eligible candidates from whom  
18 amounts have been withheld, except that if only a portion  
19 is to be paid, it shall be paid in such manner that each  
20 eligible candidate receives an equal pro rata share of such  
21 portion.

22       “(3)(A) Not later than December 31 of any calendar  
23 year preceding a calendar year in which there is a regu-  
24 larly scheduled general election, the Secretary, after con-

1 sultation with the Commission, shall make an estimate  
2 of—

3           “(i) the amount of monies in the fund which  
4           will be available to make payments required by this  
5           title in the succeeding calendar year; and

6           “(ii) the amount of payments which will be re-  
7           quired under this title in such calendar year.

8           “(B) If the Secretary determines that there will be  
9           insufficient monies in the fund to make the payments re-  
10          quired by this title for any calendar year, the Secretary  
11          shall notify each candidate on January 1 of such calendar  
12          year (or, if later, the date on which an individual becomes  
13          a candidate) of the amount which the Secretary estimates  
14          will be the pro rata reduction in each eligible candidate’s  
15          payments (including vouchers) under this subsection. Such  
16          notice shall be by registered mail.

17          “(C) The amount of the eligible candidate’s contribu-  
18          tion limit under section 501(c)(1)(D)(iii) shall be in-  
19          creased by the amount of the estimated pro rata reduction.

20          “(4) The Secretary shall notify the Commission and  
21          each eligible candidate by registered mail of any actual  
22          reduction in the amount of any payment by reason of this  
23          subsection. If the amount of the reduction exceeds the  
24          amount estimated under paragraph (3), the candidate’s

1 contribution limit under section 501(c)(1)(D)(iii) shall be  
2 increased by the amount of such excess.”.

3 (b) EFFECTIVE DATES.—(1) Except as provided in  
4 this subsection, the amendment made by subsection (a)  
5 shall apply to elections occurring after December 31,  
6 1993.

7 (2) For purposes of any expenditure or contribution  
8 limit imposed by the amendment made by subsection (a)—

9 (A) no expenditure made before January 1,  
10 1994, shall be taken into account, except that there  
11 shall be taken into account any such expenditure for  
12 goods or services to be provided after such date; and

13 (B) all cash, cash items, and Government secu-  
14 rities on hand as of January 1, 1994, shall be taken  
15 into account in determining whether the contribution  
16 limit is met, except that there shall not be taken into  
17 account amounts used during the 60-day period be-  
18 ginning on January 1, 1994, to pay for expenditures  
19 which were incurred (but unpaid) before such date.

20 (c) EFFECT OF INVALIDITY ON OTHER PROVISIONS  
21 OF ACT.—If section 501, 502, or 503 of title V of FECA  
22 (as added by this section), or any part thereof, is held  
23 to be invalid, all provisions of, and amendments made by,  
24 this Act shall be treated as invalid.

1 **SEC. 102. RESTRICTIONS ON ACTIVITIES OF POLITICAL AC-**  
2 **TION AND CANDIDATE COMMITTEES IN FED-**  
3 **ERAL ELECTIONS.**

4 (a) CONTRIBUTIONS.—Section 315 of FECA (2  
5 U.S.C. 441a) is amended by adding at the end the follow-  
6 ing new subsection:

7 “(i) CONTRIBUTIONS BY POLITICAL ACTION COM-  
8 MITTEES TO SENATE CANDIDATES.—(1) In the case of  
9 a candidate for election, or nomination for election, to the  
10 United States Senate (and such candidate’s authorized  
11 committees), subsection (a)(2)(A) shall be applied by sub-  
12 stituting ‘\$1,000’ for ‘\$5,000’ ”.

13 “(2) It shall be unlawful for a multicandidate political  
14 committee to make a contribution to a candidate for elec-  
15 tion, or nomination for election, to the United States Sen-  
16 ate (or an authorized committee) to the extent that the  
17 making of the contribution will cause the amount of con-  
18 tributions received by the candidate and the candidate’s  
19 authorized committees from multicandidate political com-  
20 mittees to exceed the lesser of—

21 “(A) \$825,000; or

22 “(B) the greater of—

23 “(i) \$375,000; or

24 “(ii) 20 percent of the sum of the general  
25 election spending limit under section 502(b)  
26 plus the primary election spending limit under



1 section 501(d)(1)(A) (without regard to wheth-  
2 er the candidate is an eligible Senate can-  
3 didate).

4 “(3) In the case of an election cycle in which there  
5 is a runoff election, the limit determined under paragraph  
6 (2) shall be increased by an amount equal to 20 percent  
7 of the runoff election expenditure limit under section  
8 501(d)(1)(B) (without regard to whether the candidate is  
9 such an eligible Senate candidate).

10 “(4) The \$825,000 and \$375,000 amounts in para-  
11 graph (2) shall be increased as of the beginning of each  
12 calendar year based on the increase in the price index de-  
13 termined under section 315(c), except that for purposes  
14 of paragraph (2), the base period shall be calendar year  
15 1992.

16 “(5) A candidate or authorized committee that re-  
17 ceives a contribution from a multicandidate political com-  
18 mittee in excess of the amount allowed under paragraph  
19 (2) shall return the amount of such excess contribution  
20 to the contributor.”

21 **SEC. 103. REPORTING REQUIREMENTS.**

22 Title III of FECA is amended by adding after section  
23 304 the following new section:

24 “REPORTING REQUIREMENTS FOR SENATE CANDIDATES

25 “SEC. 304A. (a) CANDIDATE OTHER THAN ELIGI-  
26 BLE SENATE CANDIDATE.—(1) Each candidate for the of-

1 fice of United States Senator who does not file a certifi-  
2 cation with the Secretary of the Senate under section  
3 501(c) shall file with the Secretary of the Senate a dec-  
4 laration as to whether such candidate intends to make ex-  
5 penditures for the general election in excess of the general  
6 election expenditure limit applicable to an eligible Senate  
7 candidate under section 502(b). Such declaration shall be  
8 filed at the time provided in section 501(c)(2).

9 “(2) Any candidate for the United States Senate who  
10 qualifies for the ballot for a general election—

11 “(A) who is not an eligible Senate candidate  
12 under section 501; and

13 “(B) who either raises aggregate contributions,  
14 or makes or obligates to make aggregate expendi-  
15 tures, for the general election which exceed 75 per-  
16 cent of the general election expenditure limit appli-  
17 cable to an eligible Senate candidate under section  
18 502(b),

19 shall file a report with the Secretary of the Senate within  
20 24 hours after such contributions have been raised or such  
21 expenditures have been made or obligated to be made (or,  
22 if later, within 24 hours after the date of qualification for  
23 the general election ballot), setting forth the candidate’s  
24 total contributions and total expenditures for such election  
25 as of such date. Thereafter, such candidate shall file addi-

1 tional reports (until such contributions or expenditures ex-  
2 ceed 200 percent of such limit) with the Secretary of the  
3 Senate within 24 hours after each time additional con-  
4 tributions are raised, or expenditures are made or are obli-  
5 gated to be made, which in the aggregate exceed an  
6 amount equal to 10 percent of such limit and after the  
7 total contributions or expenditures exceed  $133\frac{1}{3}$ ,  $166\frac{2}{3}$ ,  
8 and 200 percent of such limit.

9 “(3) The Commission—

10 “(A) shall, within 24 hours of receipt of a dec-  
11 laration or report under paragraph (1) or (2), notify  
12 each eligible Senate candidate in the election in-  
13 volved about such declaration or report; and

14 “(B) if an opposing candidate has raised aggre-  
15 gate contributions, or made or has obligated to make  
16 aggregate expenditures, in excess of the applicable  
17 general election expenditure limit under section  
18 502(b), shall certify, pursuant to the provisions of  
19 subsection (d), such eligibility for payment of any  
20 amount to which such eligible Senate candidate is  
21 entitled under section 503(a).

22 “(4) Notwithstanding the reporting requirements  
23 under this subsection, the Commission may make its own  
24 determination that a candidate in a general election who  
25 is not an eligible Senate candidate has raised aggregate

1 contributions, or made or has obligated to make aggregate  
2 expenditures, in the amounts which would require a report  
3 under paragraph (2). The Commission shall, within 24  
4 hours after making each such determination, notify each  
5 eligible Senate candidate in the general election involved  
6 about such determination, and shall, when such contribu-  
7 tions or expenditures exceed the general election expendi-  
8 ture limit under section 502(b), certify (pursuant to the  
9 provisions of subsection (d)) such candidate's eligibility for  
10 payment of any amount under section 503(a).

11       “(b) REPORTS ON PERSONAL FUNDS.—(1) Any can-  
12 didate for the United States Senate who during the elec-  
13 tion cycle expends more than the limitation under section  
14 502(a) during the election cycle from his personal funds,  
15 the funds of his immediate family, and personal loans in-  
16 curred by the candidate and the candidate's immediate  
17 family shall file a report with the Secretary of the Senate  
18 within 24 hours after such expenditures have been made  
19 or loans incurred.

20       “(2) The Commission within 24 hours after a report  
21 has been filed under paragraph (1) shall notify each eligi-  
22 ble Senate candidate in the election involved about each  
23 such report.

24       “(3) Notwithstanding the reporting requirements  
25 under this subsection, the Commission may make its own

1 determination that a candidate for the United States Sen-  
2 ate has made expenditures in excess of the amount under  
3 paragraph (1). The Commission within 24 hours after  
4 making such determination shall notify each eligible Sen-  
5 ate candidate in the general election involved about each  
6 such determination.

7 “(c) CANDIDATES FOR OTHER OFFICES.—(1) Each  
8 individual—

9 “(A) who becomes a candidate for the office of  
10 United States Senator;

11 “(B) who, during the election cycle for such of-  
12 fice, held any other Federal, State, or local office or  
13 was a candidate for such other office; and

14 “(C) who expended any amount during such  
15 election cycle before becoming a candidate for the of-  
16 fice of United States Senator which would have been  
17 treated as an expenditure if such individual had  
18 been such a candidate, including amounts for activi-  
19 ties to promote the image or name recognition of  
20 such individual,

21 shall, within 7 days of becoming a candidate for the office  
22 of United States Senator, report to the Secretary of the  
23 Senate the amount and nature of such expenditures.

24 “(2) Paragraph (1) shall not apply to any expendi-  
25 tures in connection with a Federal, State, or local election

1 which has been held before the individual becomes a can-  
2 didate for the office of United States Senator.

3 “(3) The Commission shall, as soon as practicable,  
4 make a determination as to whether the amounts included  
5 in the report under paragraph (1) were made for purposes  
6 of influencing the election of the individual to the office  
7 of United States Senator.

8 “(d) CERTIFICATIONS.—Notwithstanding section  
9 505(a), the certification required by this section shall be  
10 made by the Commission on the basis of reports filed in  
11 accordance with the provisions of this Act, or on the basis  
12 of such Commission’s own investigation or determination.

13 “(e) COPIES OF REPORTS AND PUBLIC INSPEC-  
14 TION.—The Secretary of the Senate shall transmit a copy  
15 of any report or filing received under this section or of  
16 title V (whenever a 24-hour response is required of the  
17 Commission) as soon as possible (but no later than 4  
18 working hours of the Commission) after receipt of such  
19 report or filing, and shall make such report or filing avail-  
20 able for public inspection and copying in the same manner  
21 as the Commission under section 311(a)(4), and shall pre-  
22 serve such reports and filings in the same manner as the  
23 Commission under section 311(a)(5).

1 “(f) DEFINITIONS.—For purposes of this section, any  
2 term used in this section which is used in title V shall  
3 have the same meaning as when used in title V.”.

4 **SEC. 104. DISCLOSURE BY NONELIGIBLE CANDIDATES.**

5 Section 318 of FECA (2 U.S.C. 441d), as amended  
6 by section 133, is amended by adding at the end thereof  
7 the following:

8 “(e) If a broadcast, cablecast, or other communica-  
9 tion is paid for or authorized by a candidate in the general  
10 election for the office of United States Senator who is not  
11 an eligible Senate candidate, or the authorized committee  
12 of such candidate, such communication shall contain the  
13 following sentence: ‘This candidate has not agreed to vol-  
14 untary campaign spending limits.’”.

15 **Subtitle B—General Provisions**

16 **SEC. 131. BROADCAST RATES AND PREEMPTION.**

17 (a) BROADCAST RATES.—Section 315(b) of the Com-  
18 munications Act of 1934 (47 U.S.C. 315(b)) is amended—

19 (1) in paragraph (1)—

20 (A) by striking out “forty-five” and insert-  
21 ing in lieu thereof “30”;

22 (B) by striking out “sixty” and inserting  
23 in lieu thereof “45”; and

24 (C) by striking out “lowest unit charge of  
25 the station for the same class and amount of

1           time for the same period” and insert “lowest  
2           charge of the station for the same amount of  
3           time for the same period on the same date”;  
4           and

5           (2) by adding at the end the following new sen-  
6           tence:

7           “In the case of an eligible Senate candidate (as defined  
8           in section 301(19) of the Federal Election Campaign Act  
9           of 1971), the charges during the general election period  
10          (as defined in section 301(21) of such Act) shall not ex-  
11          ceed 50 percent of the lowest charge described in para-  
12          graph (1).”.

13          (b) PREEMPTION; ACCESS.—Section 315 of such Act  
14          (47 U.S.C. 315) is amended by redesignating subsections  
15          (c) and (d) as subsections (e) and (f), respectively, and  
16          by inserting immediately after subsection (b) the following  
17          new subsection:

18          “(c)(1) Except as provided in paragraph (2), a li-  
19          censee shall not preempt the use, during any period speci-  
20          fied in subsection (b)(1), of a broadcasting station by a  
21          legally qualified candidate for public office who has pur-  
22          chased and paid for such use pursuant to the provisions  
23          of subsection (b)(1).

24          “(2) If a program to be broadcast by a broadcasting  
25          station is preempted because of circumstances beyond the



1 control of the broadcasting station, any candidate adver-  
2 tising spot scheduled to be broadcast during that program  
3 may also be preempted.

4 “(d) In the case of a legally qualified candidate for  
5 the United States Senate, a licensee shall provide broad-  
6 cast time without regard to the rates charged for the  
7 time.”.

8 **SEC. 132. EXTENSION OF REDUCED THIRD-CLASS MAILING**  
9 **RATES TO ELIGIBLE SENATE CANDIDATES.**

10 Section 3626(e) of title 39, United States Code, is  
11 amended—

12 (1) in paragraph (2)(A)—

13 (A) by striking out “and the National”  
14 and inserting in lieu thereof “the National”;  
15 and

16 (B) by striking out “Committee;” and in-  
17 serting in lieu thereof “Committee, and, subject  
18 to paragraph (3), the principal campaign com-  
19 mittee of an eligible House of Representatives  
20 or Senate candidate;”;

21 (2) in paragraph (2)(B), by striking out “and”  
22 after the semicolon;

23 (3) in paragraph (2)(C), by striking out the pe-  
24 riod and inserting in lieu thereof “; and”;

1 (4) by adding after paragraph (2)(C) the fol-  
2 lowing new subparagraph:

3 “(D) The terms ‘eligible Senate candidate’ and  
4 ‘principal campaign committee’ have the meanings  
5 given those terms in section 301 of the Federal  
6 Election Campaign Act of 1971.”; and

7 (5) by adding after paragraph (2) the following  
8 new paragraph:

9 “(3) The rate made available under this subsection  
10 with respect to an eligible Senate candidate shall apply  
11 only to—

12 “(A) the general election period (as defined in  
13 section 301 of the Federal Election Campaign Act of  
14 1971); and

15 “(B) that number of pieces of mail equal to the  
16 number of individuals in the voting age population  
17 (as certified under section 315(e) of such Act) of the  
18 congressional district or State, whichever is applica-  
19 ble.”.

20 **SEC. 133. REPORTING REQUIREMENTS FOR CERTAIN INDE-**  
21 **PENDENT EXPENDITURES.**

22 Section 304(c) of FECA (2 U.S.C. 434(c)) is amend-  
23 ed—

24 (1) in paragraph (2), by striking out the undes-  
25 igned matter after subparagraph (C);

1           (2) by redesignating paragraph (3) as para-  
2           graph (5); and

3           (3) by inserting after paragraph (2), as amend-  
4           ed by paragraph (1), the following new paragraphs:

5           “(3)(A) Any independent expenditure (including  
6 those described in subsection (b)(6)(B)(iii) of this section)  
7 aggregating \$1,000 or more made after the 20th day, but  
8 more than 24 hours, before any election shall be reported  
9 within 24 hours after such independent expenditure is  
10 made.

11          “(B) Any independent expenditure aggregating  
12 \$10,000 or more made at any time up to and including  
13 the 20th day before any election shall be reported within  
14 48 hours after such independent expenditure is made. An  
15 additional statement shall be filed each time independent  
16 expenditures aggregating \$10,000 are made with respect  
17 to the same election as the initial statement filed under  
18 this section.

19          “(C) Such statement shall be filed with the Secretary  
20 of the Senate and the Secretary of State of the State in-  
21 volved and shall contain the information required by sub-  
22 section (b)(6)(B)(iii) of this section, including whether the  
23 independent expenditure is in support of, or in opposition  
24 to, the candidate involved. The Secretary of the Senate  
25 shall as soon as possible (but not later than 4 working

1 hours of the Commission) after receipt of a statement  
2 transmit it to the Commission. Not later than 48 hours  
3 after the Commission receives a report, the Commission  
4 shall transmit a copy of the report to each candidate seek-  
5 ing nomination or election to that office.

6 “(D) For purposes of this section, the term ‘made’  
7 includes any action taken to incur an obligation for pay-  
8 ment.

9 “(4)(A) If any person intends to make independent  
10 expenditures totaling \$5,000 during the 20 days before  
11 an election, such person shall file a statement no later  
12 than the 20th day before the election.

13 “(B) Such statement shall be filed with the Secretary  
14 of the Senate and the Secretary of State of the State in-  
15 volved, and shall identify each candidate whom the ex-  
16 penditure will support or oppose. The Secretary of the  
17 Senate shall as soon as possible (but not later than 4  
18 working hours of the Commission) after receipt of a state-  
19 ment transmit it to the Commission. Not later than 48  
20 hours after the Commission receives a statement under  
21 this paragraph, the Commission shall transmit a copy of  
22 the statement to each candidate identified.

23 “(5) The Commission may make its own determina-  
24 tion that a person has made, or has incurred obligations  
25 to make, independent expenditures with respect to any

1 Federal election which in the aggregate exceed the applica-  
2 ble amounts under paragraph (3) or (4). The Commission  
3 shall notify each candidate in such election of such deter-  
4 mination within 24 hours of making it.

5 “(6) At the same time as a candidate is notified  
6 under paragraph (3), (4), or (5) with respect to expendi-  
7 tures during a general election period, the Commission  
8 shall certify eligibility to receive benefits under section  
9 504(a) or section 604(b).

10 “(7) The Secretary of the Senate shall make any  
11 statement received under this subsection available for pub-  
12 lic inspection and copying in the same manner as the Com-  
13 mission under section 311(a)(4), and shall preserve such  
14 statements in the same manner as the Commission under  
15 section 311(a)(5).”

16 **SEC. 134. CAMPAIGN ADVERTISING AMENDMENTS.**

17 Section 318 of FECA (2 U.S.C. 441d) is amended—

18 (1) in the matter before paragraph (1) of sub-  
19 section (a), by striking “an expenditure” and insert-  
20 ing “a disbursement”;

21 (2) in the matter before paragraph (1) of sub-  
22 section (a), by striking “direct”;

23 (3) in paragraph (3) of subsection (a), by in-  
24 serting after “name” the following “and permanent  
25 street address”; and

1           (4) by adding at the end the following new sub-  
2 sections:

3           “(c) Any printed communication described in sub-  
4 section (a) shall be—

5           “(1) of sufficient type size to be clearly read-  
6 able by the recipient of the communication;

7           “(2) contained in a printed box set apart from  
8 the other contents of the communication; and

9           “(3) consist of a reasonable degree of color con-  
10 trast between the background and the printed state-  
11 ment.

12          “(d)(1) Any broadcast or cablecast communication  
13 described in subsection (a)(1) or subsection (a)(2) shall  
14 include, in addition to the requirements of those sub-  
15 sections an audio statement by the candidate that identi-  
16 fies the candidate and states that the candidate has ap-  
17 proved the communication.

18          “(2) If a broadcast or cablecast communication de-  
19 scribed in paragraph (1) is broadcast or cablecast by  
20 means of television, the statement required by paragraph  
21 (1) shall—

22                 “(A) appear in a clearly readable manner  
23 with a reasonable degree of color contrast be-  
24 tween the background and the printed state-  
25 ment, for a period of at least 4 seconds; and

1           “(B) be accompanied by a clearly identifi-  
2           able photographic or similar image of the can-  
3           didate.

4           “(e) Any broadcast or cablecast communication de-  
5           scribed in subsection (a)(3) shall include, in addition to  
6           the requirements of those subsections, in a clearly spoken  
7           manner, the following statement—

8           ‘                                 is responsible for the content of  
9           this advertisement.’

10          with the blank to be filled in with the name of the political  
11          committee or other person paying for the communication  
12          and the name of any connected organization of the payor;  
13          and, if broadcast or cablecast by means of television, shall  
14          also appear in a clearly readable manner with a reasonable  
15          degree of color contrast between the background and the  
16          printed statement, for a period of at least 4 seconds.”.

17          **SEC. 135. DEFINITIONS.**

18          (a) IN GENERAL.—Section 301 of FECA (2 U.S.C.  
19          431) is amended by striking paragraph (19) and inserting  
20          the following new paragraphs:

21          “(19) The term ‘eligible Senate candidate’ means a  
22          candidate who is eligible under section 502 to receive bene-  
23          fits under title V.

24          “(20) The term ‘general election’ means any election  
25          which will directly result in the election of a person to a

1 Federal office, but does not include an open primary elec-  
2 tion.

3 “(21) The term ‘general election period’ means, with  
4 respect to any candidate, the period beginning on the day  
5 after the date of the primary or runoff election for the  
6 specific office the candidate is seeking, whichever is later,  
7 and ending on the earlier of—

8 “(A) the date of such general election; or

9 “(B) the date on which the candidate withdraws  
10 from the campaign or otherwise ceases actively to  
11 seek election.

12 “(22) The term ‘immediate family’ means—

13 “(A) a candidate’s spouse;

14 “(B) a child, stepchild, parent, grandparent,  
15 brother, half-brother, sister or half-sister of the can-  
16 didate or the candidate’s spouse; and

17 “(C) the spouse of any person described in sub-  
18 paragraph (B).

19 “(23) The term ‘major party’ has the meaning given  
20 such term in section 9002(6) of the Internal Revenue Code  
21 of 1986, except that if a candidate qualified under State  
22 law for the ballot in a general election in an open primary  
23 in which all the candidates for the office participated and  
24 which resulted in the candidate and at least one other can-  
25 didate qualifying for the ballot in the general election,



1 such candidate shall be treated as a candidate of a major  
2 party for purposes of title V.

3 “(24) The term ‘primary election’ means an election  
4 which may result in the selection of a candidate for the  
5 ballot in a general election for a Federal office.

6 “(25) The term ‘primary election period’ means, with  
7 respect to any candidate, the period beginning on the day  
8 following the date of the last election for the specific office  
9 the candidate is seeking and ending on the earlier of—

10 “(A) the date of the first primary election for  
11 that office following the last general election for that  
12 office; or

13 “(B) the date on which the candidate withdraws  
14 from the election or otherwise ceases actively to seek  
15 election.

16 “(26) The term ‘runoff election’ means an election  
17 held after a primary election which is prescribed by appli-  
18 cable State law as the means for deciding which candidate  
19 will be on the ballot in the general election for a Federal  
20 office.

21 “(27) The term ‘runoff election period’ means, with  
22 respect to any candidate, the period beginning on the day  
23 following the date of the last primary election for the spe-  
24 cific office such candidate is seeking and ending on the  
25 date of the runoff election for such office.

1       “(28) The term ‘voting age population’ means the  
2 resident population, 18 years of age or older, as certified  
3 pursuant to section 315(e).

4       “(29) The term ‘election cycle’ means—

5           “(A) in the case of a candidate or the author-  
6 ized committees of a candidate, the term beginning  
7 on the day after the date of the most recent general  
8 election for the specific office or seat which such  
9 candidate seeks and ending on the date of the next  
10 general election for such office or seat; or

11           “(B) for all other persons, the term beginning  
12 on the first day following the date of the last general  
13 election and ending on the date of the next general  
14 election.

15       “(30) The terms ‘Senate Election Campaign Fund’  
16 and ‘Fund’ mean the Senate Election Campaign Fund es-  
17 tablished under section 509.

18       “(31) The term ‘lobbyist’ means—

19           “(A) a person required to register under section  
20 308 of the Federal Regulation of Lobbying Act (2  
21 U.S.C. 267) or the Foreign Agents Registration Act  
22 of 1938 (22 U.S.C. 611 et seq.); and

23           “(B) a person who receives compensation in re-  
24 turn for having contact with Congress on any legis-  
25 lative matter.”.

1 (b) IDENTIFICATION.—Section 301(13) of FECA (2  
2 U.S.C. 431(13)) is amended by striking “mailing address”  
3 and inserting “permanent residence address”.

4 **SEC. 136. PROVISIONS RELATING TO FRANKED MASS**  
5 **MAILINGS.**

6 (a) MASS MAILINGS OF SENATORS.—Section  
7 3210(a)(6) of title 39, United States Code, is amended—

8 (1) in subparagraph (A), by striking “It is the  
9 intent of Congress that a Member of, or a Member-  
10 elect to, Congress” and inserting “A Member of, or  
11 Member-elect to, the House”; and

12 (2) in subparagraph (C)—

13 (A) by striking “if such mass mailing is  
14 postmarked fewer than 60 days immediately be-  
15 fore the date” and inserting “if such mass mail-  
16 ing is postmarked during the calendar year”;  
17 and

18 (B) by inserting “or reelection” imme-  
19 diately before the period.

20 (b) MASS MAILINGS OF HOUSE MEMBERS.—Section  
21 3210 of title 39, United States Code, is amended—

22 (1) in subsection (a)(7) by striking “, except  
23 that—” and all that follows through the end of sub-  
24 paragraph (B) and inserting a period; and

25 (2) in subsection (d)(1) by striking “delivery—”

1 and all that follows through the end of subparagraph  
 2 (B) and inserting “delivery within that area con-  
 3 stituting the congressional district or State from  
 4 which the Member was elected.”.

5 (c) PROHIBITION ON USE OF OFFICIAL FUNDS.—  
 6 The Committee on House Administration of the House of  
 7 Representatives may not approve any payment, nor may  
 8 a Member of the House of Representatives make any ex-  
 9 penditure from, any allowance of the House of Represent-  
 10 atives or any other official funds if any portion of the pay-  
 11 ment or expenditure is for any cost related to a mass mail-  
 12 ing by a Member of the House of Representatives outside  
 13 the congressional district of the Member.

14 **TITLE II—INDEPENDENT**  
 15 **EXPENDITURES**

16 **SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO**  
 17 **INDEPENDENT EXPENDITURES.**

18 (a) INDEPENDENT EXPENDITURE DEFINITION  
 19 AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is  
 20 amended by striking paragraphs (17) and (18) and insert-  
 21 ing the following:

22 “(17)(A) The term ‘independent expenditure’ means  
 23 an expenditure for an advertisement or other communica-  
 24 tion that—

25 “(i) contains express advocacy; and

1           “(ii) is made without the participation or co-  
2           operation of a candidate or a candidate’s representa-  
3           tive.

4           “(B) The following shall not be considered an inde-  
5           pendent expenditure:

6           “(i) An expenditure made by a political commit-  
7           tee of a political party.

8           “(ii) An expenditure made by a person who,  
9           during the election cycle, has communicated with or  
10          received information from a candidate or a rep-  
11          resentative of that candidate regarding activities  
12          that have the purpose of influencing that candidate’s  
13          election to Federal office, where the expenditure is  
14          in support of that candidate or in opposition to an-  
15          other candidate for that office.

16          “(iii) An expenditure if there is any arrange-  
17          ment, coordination, or direction with respect to the  
18          expenditure between the candidate or the candidate’s  
19          agent and the person making the expenditure.

20          “(iv) An expenditure if, in the same election  
21          cycle, the person making the expenditure is or has  
22          been—

23                  “(I) authorized to raise or expend funds on  
24                  behalf of the candidate or the candidate’s au-  
25                  thorized committees; or

1           “(II) serving as a member, employee, or  
2           agent of the candidate’s authorized committees  
3           in an executive or policymaking position.

4           “(v) An expenditure if the person making the  
5           expenditure has advised or counseled the candidate  
6           or the candidate’s agents at any time on the can-  
7           didate’s plans, projects, or needs relating to the can-  
8           didate’s pursuit of nomination for election, or elec-  
9           tion, to Federal office, in the same election cycle, in-  
10          cluding any advice relating to the candidate’s deci-  
11          sion to seek Federal office.

12          “(vi) An expenditure if the person making the  
13          expenditure retains the professional services of any  
14          individual or other person also providing those serv-  
15          ices in the same election cycle to the candidate in  
16          connection with the candidate’s pursuit of nomina-  
17          tion for election, or election, to Federal office, in-  
18          cluding any services relating to the candidate’s deci-  
19          sion to seek Federal office.

20          “(vii) An expenditure if the person making the  
21          expenditure has consulted at any time during the  
22          same election cycle about the candidate’s plans,  
23          projects, or needs relating to the candidate’s pursuit  
24          of nomination for election, or election, to Federal of-  
25          fice, with—

1           “(I) any officer, director, employee or  
2           agent of a party committee that has made or  
3           intends to make expenditures or contributions,  
4           pursuant to subsections (a), (d), or (h) of sec-  
5           tion 315 in connection with the candidate’s  
6           campaign; or

7           “(II) any person whose professional serv-  
8           ices have been retained by a political party com-  
9           mittee that has made or intends to make ex-  
10          penditures or contributions pursuant to sub-  
11          sections (a), (d), or (h) of section 315 in con-  
12          nection with the candidate’s campaign.

13 For purposes of this subparagraph, the person making the  
14 expenditure shall include any officer, director, employee,  
15 or agent of such person.

16          “(18) The term ‘express advocacy’ means, when a  
17 communication is taken as a whole, an expression of sup-  
18 port for or opposition to a specific candidate, to a specific  
19 group of candidates, or to candidates of a particular politi-  
20 cal party, or a suggestion to take action with respect to  
21 an election, such as to vote for or against, make contribu-  
22 tions to, or participate in campaign activity.”.

23          (b) CONTRIBUTION DEFINITION AMENDMENT.—Sec-  
24 tion 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amend-  
25 ed—

1 (1) in clause (i), by striking “or” after the  
2 semicolon at the end;

3 (2) in clause (ii), by striking the period at the  
4 end and inserting “; or”; and

5 (3) by adding at the end the following new  
6 clause:

7 “(iii) any payment or other transaction referred  
8 to in paragraph (17)(A)(i) that does not qualify as  
9 an independent expenditure under paragraph  
10 (17)(A)(ii).”.

## 11 **TITLE III—EXPENDITURES**

### 12 **Subtitle A—Personal Loans; Credit**

#### 13 **SEC. 301. PERSONAL CONTRIBUTIONS AND LOANS.**

14 Section 315 of FECA (2 U.S.C. 441a), as amended  
15 by section 122, is amended by adding at the end the fol-  
16 lowing new subsection:

17 “(k) LIMITATIONS ON PAYMENTS TO CANDIDATES.—

18 (1) If a candidate or a member of the candidate’s imme-  
19 diate family made any loans to the candidate or to the  
20 candidate’s authorized committees during any election  
21 cycle, no contributions after the date of the general elec-  
22 tion for such election cycle may be used to repay such  
23 loans.

24 “(2) No contribution by a candidate or member of  
25 the candidate’s immediate family may be returned to the



1 candidate or member other than as part of a pro rata dis-  
2 tribution of excess contributions to all contributors.”.

3 **SEC. 302. EXTENSIONS OF CREDIT.**

4 Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as  
5 amended by section 201(b), is amended—

6 (1) by striking “or” at the end of clause (ii);

7 (2) by striking the period at the end of clause  
8 (iii) and inserting “; or”; and

9 (3) by inserting at the end the following new  
10 clause:

11 “(iv) with respect to a candidate and the  
12 candidate’s authorized committees, any exten-  
13 sion of credit for goods or services relating to  
14 advertising on broadcasting stations, in news-  
15 papers or magazines, or by mailings, or relating  
16 to other similar types of general public political  
17 advertising, if such extension of credit is—

18 “(I) in an amount of more than  
19 \$1,000; and

20 “(II) for a period greater than the pe-  
21 riod, not in excess of 60 days, for which  
22 credit is generally extended in the normal  
23 course of business after the date on which  
24 such goods or services are furnished or the

1 date of the mailing in the case of advertis-  
2 ing by a mailing.”.

3 **Subtitle B—Provisions Relating to**  
4 **Soft Money of Political Parties**

5 **SEC. 311. CONTRIBUTIONS TO POLITICAL PARTY COMMIT-**  
6 **TEES.**

7 (a) INDIVIDUAL CONTRIBUTIONS TO STATE  
8 PARTY.—Paragraph (1) of section 315(a) of FECA (2  
9 U.S.C. 441a(a)(1)) is amended by striking “or” at the end  
10 of subparagraph (B), by redesignating subparagraph (C)  
11 as subparagraph (D), and by inserting after subparagraph  
12 (B) the following new subparagraph:

13 “(C) to political committees established and  
14 maintained by a State committee of a political party  
15 in any calendar year which, in the aggregate, exceed  
16 \$10,000; or”.

17 (b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS  
18 TO STATE PARTY.—Paragraph (2) of section 315(a) of  
19 FECA (2 U.S.C. 441a(a)(2)) is amended by striking “or”  
20 at the end of subparagraph (B), by redesignating subpara-  
21 graph (C) as subparagraph (D), and by inserting after  
22 subparagraph (B) the following new subparagraph:

23 “(C) to political committees established and  
24 maintained by a State committee of a political party

1 in any calendar year which, in the aggregate, exceed  
2 \$10,000; or”.

3 (c) INCREASE IN OVERALL LIMIT.—Paragraph (3) of  
4 section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended  
5 by adding at the end thereof the following new sentence:  
6 “The limitation under this paragraph shall be increased  
7 (but not by more than \$5,000) by the amount of contribu-  
8 tions made by an individual during a calendar year to po-  
9 litical committees which are taken into account for pur-  
10 poses of paragraph (1)(C).”.

11 **SEC. 312. PROVISIONS RELATING TO NATIONAL, STATE,**  
12 **AND LOCAL PARTY COMMITTEES.**

13 (a) EXPENDITURES BY STATE COMMITTEES IN CON-  
14 NECTION WITH PRESIDENTIAL CAMPAIGNS.—Section  
15 315(d) of FECA (2 U.S.C. 441a(d)) is amended by insert-  
16 ing at the end thereof the following new paragraph:

17 “(4) A State committee of a political party, including  
18 subordinate committees of that State committee, shall not  
19 make expenditures in connection with the general election  
20 campaign of a candidate for President of the United  
21 States who is affiliated with such party which, in the ag-  
22 gregate, exceed an amount equal to 4 cents multiplied by  
23 the voting age population of the State, as certified under  
24 subsection (e). This paragraph shall not authorize a com-  
25 mittee to make expenditures for audio broadcasts (includ-

1 ing television broadcasts) in excess of the amount which  
2 could have been made without regard to this paragraph.”.

3 (b) CONTRIBUTION AND EXPENDITURE EXCEP-  
4 TIONS.—(1) Section 301(8)(B) of FECA (2 U.S.C.  
5 431(8)(B)) is amended—

6 (A) in clause (xi), by striking “direct mail” and  
7 inserting “mail”; and

8 (B) by repealing clauses (x) and (xii).

9 (2) Section 301(9)(B) of FECA (2 U.S.C.  
10 431(9)(B)) is amended by repealing clauses (viii) and (ix).

11 (c) SOFT MONEY OF COMMITTEES OF POLITICAL  
12 PARTIES.—(1) Title III of FECA is amended by inserting  
13 after section 323 the following new section:

14 “POLITICAL PARTY COMMITTEES

15 “SEC. 324. (a) Any amount solicited, received, or ex-  
16 pended directly or indirectly by a national, State, district,  
17 or local committee of a political party (including any sub-  
18 ordinate committee) with respect to an activity which, in  
19 whole or in part, is in connection with an election to Fed-  
20 eral office shall be subject in its entirety to the limitations,  
21 prohibitions, and reporting requirements of this Act.

22 “(b) For purposes of subsection (a)—

23 “(1) Any activity which is solely for the purpose  
24 of influencing an election for Federal office is in  
25 connection with an election for Federal office.

1           “(2) Except as provided in paragraph (3), any  
2 of the following activities during a Federal election  
3 period shall be treated as in connection with an elec-  
4 tion for Federal office:

5           “(A) Voter registration and get-out-the-  
6 vote activities.

7           “(B) Campaign activities, including broad-  
8 casting, newspaper, magazine, billboard, mass  
9 mail, and newsletter communications, and simi-  
10 lar kinds of communications or public advertis-  
11 ing that—

12           “(i) are generic campaign activities; or

13           “(ii) identify a Federal candidate re-  
14 gardless of whether a State or local can-  
15 didate is also identified.

16           “(C) The preparation and dissemination of  
17 campaign materials that are part of a generic  
18 campaign activity or that identify a Federal  
19 candidate, regardless of whether a State or  
20 local candidate is also identified.

21           “(D) Development and maintenance of  
22 voter files.

23           “(E) Any other activity affecting (in whole  
24 or in part) an election for Federal office.

1           “(3) The following shall not be treated as in  
2 connection with a Federal election:

3           “(A) Any amount described in section  
4 301(8)(B)(viii).

5           “(B) Any amount contributed to a can-  
6 didate for other than Federal office.

7           “(C) Any amount received or expended in  
8 connection with a State or local political con-  
9 vention.

10           “(D) Campaign activities, including broad-  
11 casting, newspaper, magazine, billboard, mass  
12 mail, and newsletter communications, and simi-  
13 lar kinds of communications or public advertis-  
14 ing that are exclusively on behalf of State or  
15 local candidates and are not activities described  
16 in paragraph (2)(A).

17           “(E) Administrative expenses of a State or  
18 local committee of a political party, including  
19 expenses for—

20           “(i) overhead;

21           “(ii) staff (other than individuals de-  
22 voting a substantial portion of their activi-  
23 ties to elections for Federal office); and

24           “(iii) conducting party elections or  
25 caucuses.

1           “(F) Research pertaining solely to State  
2           and local candidates and issues.

3           “(G) Development and maintenance of  
4           voter files other than during a Federal election  
5           period.

6           “(H) Activities described in paragraph  
7           (2)(A) which are conducted other than during  
8           a Federal election period.

9           “(I) Any other activity which is solely for  
10          the purpose of influencing, and which solely af-  
11          fects, an election for non-Federal office.

12          “(4) For purposes of this subsection, the term  
13          ‘Federal election period’ means the period—

14                 “(A) beginning on June 1, of any even-  
15                 numbered calendar year (April 1 if an election  
16                 to the office of President occurs in such year),  
17                 and

18                 “(B) ending on the date during such year  
19                 on which regularly scheduled general elections  
20                 for Federal office occur.

21          In the case of a special election, the Federal election  
22          period shall include at least the 60-day period end-  
23          ing on the date of the election.

24          “(c) SOLICITATION OF COMMITTEES.—A national  
25          committee of a political party may not solicit or accept

1 contributions not subject to the limitations, prohibitions,  
2 and reporting requirements of this Act.

3 “(d) AMOUNTS RECEIVED FROM STATE AND LOCAL  
4 CANDIDATE COMMITTEES.—(1) For purposes of sub-  
5 section (a), any amount received by a national, State, dis-  
6 trict, or local committee of a political party (including any  
7 subordinate committee) from a State or local candidate  
8 committee shall be treated as meeting the requirements  
9 of subsection (a) and section 304(d) if—

10 “(A) such amount is derived from funds which  
11 meet the requirements of this Act with respect to  
12 any limitation or prohibition as to source or dollar  
13 amount, and

14 “(B) the State or local candidate committee—

15 “(i) maintains, in the account from which  
16 payment is made, records of the sources and  
17 amounts of funds for purposes of determining  
18 whether such requirements are met, and

19 “(ii) certifies to the other committee that  
20 such requirements were met.

21 “(2) Notwithstanding paragraph (1), any committee  
22 receiving any contribution described in paragraph (1) from  
23 a State or local candidate committee shall be required to  
24 meet the reporting requirements of this Act with respect



1 to receipt of the contribution from such candidate commit-  
2 tee.

3 “(3) For purposes of this subsection, a State or local  
4 candidate committee is a committee established, financed,  
5 maintained, or controlled by a candidate for other than  
6 Federal office.”.

7 (2) Section 315(d) of FECA (2 U.S.C. 441a(d)), as  
8 amended by subsection (a), is amended by adding at the  
9 end thereof the following new paragraph:

10 “(5)(A) The national committee of a political  
11 party, the congressional campaign committees of a  
12 political party, and a State or local committee of a  
13 political party, including a subordinate committee of  
14 any of the preceding committees, shall not make ex-  
15 penditures during any calendar year for activities  
16 described in section 324(b)(2) with respect to such  
17 State which, in the aggregate, exceed an amount  
18 equal to 30 cents multiplied by the voting age popu-  
19 lation of the State (as certified under subsection  
20 (e)).

21 “(B) Expenditures authorized under this para-  
22 graph shall be in addition to other expenditures al-  
23 lowed under this subsection, except that this para-  
24 graph shall not authorize a committee to make ex-  
25 penditures to which paragraph (3) or (4) applies in

1 excess of the limit applicable to such expenditures  
2 under paragraph (3) or (4).

3 “(C) No adjustment to the limitation under this  
4 paragraph shall be made under subsection (c) before  
5 1992 and the base period for purposes of any such  
6 adjustment shall be 1990.

7 “(D) For purposes of this paragraph—

8 “(i) a local committee of a political party  
9 shall only include a committee that is a political  
10 committee (as defined in section 301(4)); and

11 “(ii) a State committee shall not be re-  
12 quired to record or report under this Act the  
13 expenditures of any other committee which are  
14 made independently from the State commit-  
15 tee.”.

16 (3) Section 301(4) of FECA (2 U.S.C. 431(4))  
17 is amended by adding at the end the following new  
18 sentence:

19 “For purposes of subparagraph (C), any pay-  
20 ments for get-out-the-vote activities on behalf of  
21 candidates for office other than Federal office  
22 shall be treated as payments exempted from the  
23 definition of expenditure under paragraph (9)  
24 of this section.”.

1           (4) Section 301(8)(B)(viii) of FECA (2 U.S.C.  
2           431(8)(B)(viii)) is amended by striking “defray”  
3           and inserting “pay indebtedness incurred prior to  
4           January 1, 1993, for the purpose of defraying”.

5           (d) GENERIC ACTIVITIES.—Section 301 of FECA (2  
6 U.S.C. 431), as amended by section 135, is amended by  
7 adding at the end thereof the following new paragraph:

8           “(31) The term ‘generic campaign activity’  
9           means a campaign activity the preponderant purpose  
10          or effect of which is to promote a political party  
11          rather than any particular Federal or non-Federal  
12          candidate.”.

13 **SEC. 313. RESTRICTIONS ON FUNDRAISING BY CANDIDATES**  
14 **AND OFFICEHOLDERS.**

15          (a) STATE FUNDRAISING ACTIVITIES.—Section 315  
16 of FECA (2 U.S.C. 441a), as amended by section 301,  
17 is amended by adding at the end thereof the following new  
18 subsection:

19          “(l) LIMITATIONS ON FUNDRAISING ACTIVITIES OF  
20 FEDERAL CANDIDATES AND OFFICEHOLDERS AND CER-  
21 TAIN POLITICAL COMMITTEES.—(1) For purposes of this  
22 Act, a candidate for Federal office (or an individual hold-  
23 ing Federal office) may not solicit funds to, or receive  
24 funds on behalf of, any Federal or non-Federal candidate  
25 or political committee—

1           “(A) which are to be expended in connection  
2           with any election for Federal office unless such  
3           funds are subject to the limitations, prohibitions,  
4           and requirements of this Act; or

5           “(B) which are to be expended in connection  
6           with any election for other than Federal office unless  
7           such funds are not in excess of amounts permitted  
8           with respect to Federal candidates and political com-  
9           mittees under this Act, and are not from sources  
10          prohibited by this Act with respect to elections to  
11          Federal office.

12          “(2)(A) The aggregate amount which a person de-  
13          scribed in subparagraph (B) may solicit from a  
14          multicandidate political committee for State committees  
15          described in subsection (a)(1)(C) (including subordinate  
16          committees) for any calendar year shall not exceed the dol-  
17          lar amount in effect under subsection (a)(2)(B) for the  
18          calendar year.

19          “(B) A person is described in this subparagraph if  
20          such person is a candidate for Federal office, an individual  
21          holding Federal office, or any national, State, district, or  
22          local committee of a political party (including subordinate  
23          committees).

24          “(3) The appearance or participation by a candidate  
25          or individual in any activity (including fundraising) con-

1 ducted by a committee of a political party or a candidate  
2 for other than Federal office shall not be treated as a so-  
3 licitation for purposes of paragraph (1) if—

4 “(A) such appearance or participation is other-  
5 wise permitted by law; and

6 “(B) such candidate or individual does not so-  
7 licit or receive, or make expenditures from, any  
8 funds resulting from such activity.

9 “(4) Paragraph (1) shall not apply to the solicitation  
10 or receipt of funds, or disbursements, by an individual who  
11 is a candidate for other than Federal office if such activity  
12 is permitted under State law.

13 “(5) For purposes of this subsection, an individual  
14 shall be treated as holding Federal office if such individual  
15 is described in section 101(f) of the Ethics in Government  
16 Act of 1978.”.

17 (b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of  
18 FECA (2 U.S.C. 441a), as amended by subsection (a),  
19 is amended by adding at the end thereof the following new  
20 subsection:

21 “(m) TAX-EXEMPT ORGANIZATIONS.—(1) If during  
22 any period an individual is a candidate for, or holds, Fed-  
23 eral office, such individual may not during such period so-  
24 licit contributions to, or on behalf of, any organization  
25 which is described in section 501(c) of the Internal Reve-

1 nue Code of 1986 if a significant portion of the activities  
2 of such organization include voter registration or get-out-  
3 the-vote campaigns.

4 “(2) For purposes of this subsection, an individual  
5 shall be treated as holding Federal office if such individual  
6 is described in section 101(f) of the Ethics in Government  
7 Act of 1978.”.

8 **SEC. 314. REPORTING REQUIREMENTS.**

9 (a) REPORTING REQUIREMENTS.—Section 304 of  
10 FECA (2 U.S.C. 434) is amended by adding at the end  
11 thereof the following new subsection:

12 “(d) POLITICAL COMMITTEES.—(1) The national  
13 committee of a political party and any congressional cam-  
14 paign committee, and any subordinate committee of ei-  
15 ther, shall report all receipts and disbursements during  
16 the reporting period, whether or not in connection with  
17 an election for Federal office.

18 “(2) A political committee (not described in para-  
19 graph (1)) to which section 324 applies shall report all  
20 receipts and disbursements in connection with a Federal  
21 election (as determined under section 324).

22 “(3) Any political committee to which section 324 ap-  
23 plies shall include in its report under paragraph (1) or  
24 (2) the amount of any transfer described in section 324(c)  
25 and the reason for the transfer.

1       “(4) Any political committee to which paragraph (1)  
2 or (2) does not apply shall report any receipts or disburse-  
3 ments which are used in connection with a Federal elec-  
4 tion.

5       “(5) If any receipt or disbursement to which this sub-  
6 section applies exceeds \$200, the political committee shall  
7 include identification of the person from whom, or to  
8 whom, such receipt or disbursement was made.

9       “(6) Reports required to be filed by this subsection  
10 shall be filed for the same time periods required for politi-  
11 cal committees under subsection (a).”.

12       (b) REPORT OF EXEMPT CONTRIBUTIONS.—Section  
13 301(8) of the Federal Election Campaign Act of 1971 (2  
14 U.S.C. 431(8)) is amended by inserting at the end thereof  
15 the following:

16               “(C) The exclusions provided in clauses (v)  
17               and (viii) of subparagraph (B) shall not apply  
18               for purposes of any requirement to report con-  
19               tributions under this Act, and all such contribu-  
20               tions in excess of \$200 shall be reported.”.

21       (c) REPORTING OF EXEMPT EXPENDITURES.—Sec-  
22 tion 301(9) of the Federal Election Campaign Act of 1971  
23 (2 U.S.C. 431(9)) is amended by inserting at the end  
24 thereof the following:

1           “(C) The exclusions provided in clause (iv)  
2           of subparagraph (B) shall not apply for pur-  
3           poses of any requirement to report expenditures  
4           under this Act, and all such expenditures in ex-  
5           cess of \$200 shall be reported.”.

6           (d) CONTRIBUTIONS AND EXPENDITURES OF POLITI-  
7           CAL COMMITTEES.—Section 301(4) of FECA (2 U.S.C.  
8           431(4)) is amended by adding at the end the following:  
9           “For purposes of this paragraph, the receipt of contribu-  
10          tions or the making of, or obligating to make, expenditures  
11          shall be determined by the Commission on the basis of  
12          facts and circumstances, in whatever combination, dem-  
13          onstrating a purpose of influencing any election for Fed-  
14          eral office, including, but not limited to, the representa-  
15          tions made by any person soliciting funds about their in-  
16          tended uses; the identification by name of individuals who  
17          are candidates for Federal office or of any political party,  
18          in general public political advertising; and the proximity  
19          to any primary, runoff, or general election of general pub-  
20          lic political advertising designed or reasonably calculated  
21          to influence voter choice in that election.”.

22          (e) REPORTS BY STATE COMMITTEES.—Section 304  
23          of FECA (2 U.S.C. 434), as amended by subsection (a),  
24          is amended by adding at the end thereof the following new  
25          subsection:





1 tions from the intermediary or conduit to the can-  
2 didate if—

3 “(i) the contributions made through the  
4 intermediary or conduit are in the form of a  
5 check or other negotiable instrument made pay-  
6 able to the intermediary or conduit rather than  
7 the intended recipient; or

8 “(ii) the intermediary or conduit is—

9 “(I) a political committee;

10 “(II) an officer, employee, or agent of  
11 such a political committee;

12 “(III) a political party;

13 “(IV) a partnership or sole proprietor-  
14 ship;

15 “(V) a lobbyist; or

16 “(VI) an organization prohibited from  
17 making contributions under section 316, or  
18 an officer, employee, or agent of such an  
19 organization acting on the organization’s  
20 behalf.

21 “(C)(i) Except as specified in section  
22 315(a)(8)(B)(ii)(V), the term ‘intermediary or con-  
23 duit’ does not include—

24 “(I) a candidate or representative of a can-  
25 didate receiving contributions to the candidate’s

1 principal campaign committee or authorized  
2 committee;

3 “(II) a professional fundraiser com-  
4 pensated for fundraising services at the usual  
5 and customary rate;

6 “(III) a volunteer hosting a fundraising  
7 event at the volunteer’s home, in accordance  
8 with section 301(8)(B); or

9 “(IV) an individual who transmits a con-  
10 tribution from the individual’s spouse.

11 “(ii) The term ‘representative’ means an indi-  
12 vidual who is expressly authorized by the candidate  
13 to engage in fundraising, and who occupies a signifi-  
14 cant position within the candidate’s campaign orga-  
15 nization, provided that the individual is not de-  
16 scribed in subparagraph (B)(ii).

17 “(iii) The term ‘contributions made or arranged  
18 to be made’ includes—

19 “(I) contributions delivered to a particular  
20 candidate or the candidate’s authorized commit-  
21 tee or agent; and

22 “(II) contributions directly or indirectly ar-  
23 ranged to be made to a particular candidate or  
24 the candidate’s authorized committee or agent,  
25 in a manner that identifies directly or indirectly

1 to the candidate or authorized committee or  
2 agent the person who arranged the making of  
3 the contributions or the person on whose behalf  
4 such person was acting.

5 “(iv) The term ‘acting on the organization’s be-  
6 half’ includes the following activities by an officer,  
7 employee or agent of a person described in subpara-  
8 graph (B)(ii)(IV):

9 “(I) Soliciting or directly or indirectly ar-  
10 ranging the making of a contribution to a par-  
11 ticular candidate in the name of, or by using  
12 the name of, such a person.

13 “(II) Soliciting or directly or indirectly ar-  
14 ranging the making of a contribution to a par-  
15 ticular candidate using other than incidental re-  
16 sources of such a person.

17 “(III) Soliciting contributions for a par-  
18 ticular candidate by substantially directing the  
19 solicitations to other officers, employees, or  
20 agents of such a person.

21 “(D) Nothing in this paragraph shall prohibit—

22 “(i) bona fide joint fundraising efforts con-  
23 ducted solely for the purpose of sponsorship of  
24 a fundraising reception, dinner, or other similar

1 event, in accordance with rules prescribed by  
2 the Commission, by—

3 “(I) 2 or more candidates;

4 “(II) 2 or more national, State, or  
5 local committees of a political party within  
6 the meaning of section 301(4) acting on  
7 their own behalf; or

8 “(III) a special committee formed by  
9 2 or more candidates, or a candidate and  
10 a national, State, or local committee of a  
11 political party acting on their own behalf;  
12 or

13 “(ii) fundraising efforts for the benefit of  
14 a candidate that are conducted by another can-  
15 didate.

16 “(iii) bona fide fundraising efforts con-  
17 ducted by and solely on behalf of an individual  
18 other than a lobbyist for the purpose of spon-  
19 sorship of a fundraising reception, dinner, or  
20 other similar event, but only if all contributions  
21 are made directly to a candidate or a represent-  
22 ative of a candidate.

23 When a contribution is made to a candidate through an  
24 intermediary or conduit, the intermediary or conduit shall  
25 report the original source and the intended recipient of

1 the contribution to the Commission and to the intended  
2 recipient.”.

3 **SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOT-**  
4 **ING AGE.**

5 Section 315 of FECA (2 U.S.C. 441a), as amended  
6 by section 313(b), is amended by adding at the end the  
7 following new subsection:

8 “(n) For purposes of this section, any contribution  
9 by an individual who—

10 “(1) is a dependent of another individual; and

11 “(2) has not, as of the time of such contribu-  
12 tion, attained the legal age for voting for elections  
13 to Federal office in the State in which such individ-  
14 ual resides,

15 shall be treated as having been made by such other indi-  
16 vidual. If such individual is the dependent of another indi-  
17 vidual and such other individual’s spouse, the contribution  
18 shall be allocated among such individuals in the manner  
19 determined by them.”.

20 **SEC. 403. CONTRIBUTIONS TO CANDIDATES FROM STATE**  
21 **AND LOCAL COMMITTEES OF POLITICAL PAR-**  
22 **TIES TO BE AGGREGATED.**

23 Section 315(a) of FECA (2 U.S.C. 441a(a)) is  
24 amended by adding at the end the following new para-  
25 graph:

1 “(9) A candidate for Federal office may not accept,  
2 with respect to an election, any contribution from a State  
3 or local committee of a political party (including any sub-  
4 ordinate committee of such committee), if such contribu-  
5 tion, when added to the total of contributions previously  
6 accepted from all such committees of that political party,  
7 exceeds a limitation on contributions to a candidate under  
8 this section.”.

9 **SEC. 404. LIMITED EXCLUSION OF ADVANCES BY CAM-**  
10 **PAIGN WORKERS FROM THE DEFINITION OF**  
11 **THE TERM “CONTRIBUTION”.**

12 Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is  
13 amended—

14 (1) in clause (xiii), by striking “and” after the  
15 semicolon at the end;

16 (2) in clause (xiv), by striking the period at the  
17 end and inserting: “; and”; and

18 (3) by adding at the end the following new  
19 clause:

20 “(xv) any advance voluntarily made on behalf of  
21 an authorized committee of a candidate by an indi-  
22 vidual in the normal course of such individual’s re-  
23 sponsibilities as a volunteer for, or employee of, the  
24 committee, if the advance is reimbursed by the com-  
25 mittee within 10 days after the date on which the

1 advance is made, and the value of advances on be-  
2 half of a committee does not exceed \$500 with re-  
3 spect to an election.”.

## 4 **TITLE V—REPORTING** 5 **REQUIREMENTS**

### 6 **SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CAL-** 7 **ENDAR YEAR BASIS TO AN ELECTION CYCLE** 8 **BASIS.**

9 Paragraphs (2) through (7) of section 304(b) of  
10 FECA (2 U.S.C. 434(b)(2)–(7)) are amended by inserting  
11 after “calendar year” each place it appears the following:  
12 “(election cycle, in the case of an authorized committee  
13 of a candidate for Federal office)”.

### 14 **SEC. 502. PERSONAL AND CONSULTING SERVICES.**

15 Section 304(b)(5)(A) of FECA (2 U.S.C.  
16 434(b)(5)(A)) is amended by adding before the semicolon  
17 at the end the following: “, except that if a person to  
18 whom an expenditure is made is merely providing personal  
19 or consulting services and is in turn making expenditures  
20 to other persons (not including employees) who provide  
21 goods or services to the candidate or his or her authorized  
22 committees, the name and address of such other person,  
23 together with the date, amount and purpose of such ex-  
24 penditure shall also be disclosed”.



1 **SEC. 503. REDUCTION IN THRESHOLD FOR REPORTING OF**  
2 **CERTAIN INFORMATION BY PERSONS OTHER**  
3 **THAN POLITICAL COMMITTEES.**

4 Section 304(b)(3)(A) of FECA (2 U.S.C.  
5 434(b)(3)(A)) is amended by striking “\$200” and insert-  
6 ing “\$50”.

7 **SEC. 504. COMPUTERIZED INDICES OF CONTRIBUTIONS.**

8 Section 311(a) of FECA (2 U.S.C. 438(a)) is amend-  
9 ed—

10 (1) by striking “and” at the end of paragraph  
11 (9);

12 (2) by striking the period at the end of para-  
13 graph (10) and inserting “; and”; and

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

16 “(11) maintain computerized indices of con-  
17 tributions of \$50 or more.”.

18 **TITLE VI—FEDERAL ELECTION**  
19 **COMMISSION**

20 **SEC. 601. USE OF CANDIDATES’ NAMES.**

21 Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is  
22 amended to read as follows:

23 “(4)(A) The name of each authorized committee shall  
24 include the name of the candidate who authorized the com-  
25 mittee under paragraph (1).

1       “(B) A political committee that is not an authorized  
2 committee shall not include the name of any candidate in  
3 its name or use the name of any candidate in any activity  
4 on behalf of such committee in such a context as to sug-  
5 gest that the committee is an authorized committee of the  
6 candidate or that the use of the candidate’s name has been  
7 authorized by the candidate.”.

8 **SEC. 602. REPORTING REQUIREMENTS.**

9       (a) OPTION TO FILE MONTHLY REPORTS—Section  
10 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

11           (1) in subparagraph (A) by striking “and” at  
12 the end;

13           (2) in subparagraph (B) by striking the period  
14 at the end and inserting “; and”; and

15           (3) by inserting the following new subparagraph  
16 at the end:

17           “(C) in lieu of the reports required by subpara-  
18 graphs (A) and (B), the treasurer may file monthly  
19 reports in all calendar years, which shall be filed no  
20 later than the 15th day after the last day of the  
21 month and shall be complete as of the last day of  
22 the month, except that, in lieu of filing the reports  
23 otherwise due in November and December of any  
24 year in which a regularly scheduled general election  
25 is held, a pre-primary election report and a pre-gen-

1 eral election report shall be filed in accordance with  
2 subparagraph (A)(i), a post-general election report  
3 shall be filed in accordance with subparagraph  
4 (A)(ii), and a year end report shall be filed no later  
5 than January 31 of the following calendar year.”.

6 (b) FILING DATE.—Section 304(a)(4)(B) of FECA  
7 (2 U.S.C. 434(a)(4)(B)) is amended by striking “20th”  
8 and inserting “15th”.

9 **SEC. 603. PROVISIONS RELATING TO THE GENERAL COUN-**  
10 **SEL OF THE COMMISSION.**

11 (a) VACANCY IN THE OFFICE OF GENERAL COUN-  
12 SEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is  
13 amended by adding at the end the following new para-  
14 graph:

15 “(5) In the event of a vacancy in the office of general  
16 counsel, the next highest ranking enforcement official in  
17 the general counsel’s office shall serve as acting general  
18 counsel with full powers of the general counsel until a suc-  
19 cessor is appointed.”.

20 (b) PAY OF THE GENERAL COUNSEL.—Section  
21 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

22 (1) by inserting “and the general counsel” after  
23 “staff director” in the second sentence; and

24 (2) by striking the third sentence.

1 **SEC. 604. ENFORCEMENT.**

2 (a) BASIS FOR ENFORCEMENT PROCEEDING.—Sec-  
3 tion 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended  
4 by striking “it has reason to believe that a person has  
5 committed, or is about to commit” and inserting “facts  
6 have been alleged or ascertained that, if true, give reason  
7 to believe that a person may have committed, or may be  
8 about to commit”.

9 (b) AUTHORITY TO SEEK INJUNCTION.—(1) Section  
10 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding  
11 at the end the following new paragraph:

12 “(13)(A) If, at any time in a proceeding described  
13 in paragraph (1), (2), (3), or (4), the Commission believes  
14 that—

15 “(i) there is a substantial likelihood that a vio-  
16 lation of this Act or of chapter 95 or chapter 96 of  
17 the Internal Revenue Code of 1986 is occurring or  
18 is about to occur;

19 “(ii) the failure to act expeditiously will result  
20 in irreparable harm to a party affected by the poten-  
21 tial violation;

22 “(iii) expeditious action will not cause undue  
23 harm or prejudice to the interests of others; and

24 “(iv) the public interest would be best served by  
25 the issuance of an injunction,

1 the Commission may initiate a civil action for a temporary  
2 restraining order or a temporary injunction pending the  
3 outcome of the proceedings described in paragraphs (1),  
4 (2), (3), and (4).

5 “(B) An action under subparagraph (A) shall be  
6 brought in the United States district court for the district  
7 in which the defendant resides, transacts business, or may  
8 be found.”.

9 (2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is  
10 amended—

11 (A) in paragraph (7) by striking “(5) or (6)”  
12 and inserting “(5), (6), or (13)”; and

13 (B) in paragraph (11) by striking “(6)” and in-  
14 serting “(6) or (13)”.

15 **SEC. 605. PENALTIES.**

16 (a) PENALTIES PRESCRIBED IN CONCILIATION  
17 AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2  
18 U.S.C. 437g(a)(5)(A)) is amended by striking “which does  
19 not exceed the greater of \$5,000 or an amount equal to  
20 any contribution or expenditure involved in such violation”  
21 and inserting “which is—

22 “(i) not less than 50 percent of all contribu-  
23 tions and expenditures involved in the violation (or  
24 such lesser amount as the Commission provides if

1 necessary to ensure that the penalty is not unjustly  
2 disproportionate to the violation); and

3 “(ii) not greater than all contributions and ex-  
4 penditures involved in the violation”.

5 (2) Section 309(a)(5)(B) of FECA (2 U.S.C.  
6 437g(a)(5)(B)) is amended by striking “which does not  
7 exceed the greater of \$10,000 or an amount equal to 200  
8 percent of any contribution or expenditure involved in such  
9 violation” and inserting “which is—

10 “(i) not less than all contributions and expendi-  
11 tures involved in the violation; and

12 “(ii) not greater than 150 percent of all con-  
13 tributions and expenditures involved in the viola-  
14 tion”.

15 (b) PENALTIES WHEN VIOLATIONS ARE ADJU-  
16 DICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA  
17 (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that  
18 follows “appropriate order” and inserting “, including an  
19 order for a civil penalty in the amount determined under  
20 subparagraph (A) or (B) in the district court of the Unit-  
21 ed States for the district in which the defendant resides,  
22 transacts business, or may be found.”.

23 (2) Section 309(a)(6)(B) of FECA (2 U.S.C.  
24 437g(a)(6)(B)) is amended by striking all that follows

1 “other order” and inserting “, including an order for a  
2 civil penalty which is—

3 “(i) not less than all contributions and expendi-  
4 tures involved in the violation; and

5 “(ii) not greater than 200 percent of all con-  
6 tributions and expenditures involved in the violation,  
7 upon a proper showing that the person involved has com-  
8 mitted, or is about to commit (if the relief sought is a  
9 permanent or temporary injunction or a restraining  
10 order), a violation of this Act or chapter 95 of chapter  
11 96 of the Internal Revenue Code of 1986.”.

12 (3) Section 309(a)(6)(C) of FECA (29 U.S.C.  
13 437g(6)(C)) is amended by striking “a civil penalty” and  
14 all that follows and inserting “a civil penalty which is—

15 “(i) not less than 200 percent of all contribu-  
16 tions and expenditures involved in the violation; and

17 “(ii) not greater than 250 percent of all con-  
18 tributions and expenditures involved in the viola-  
19 tion.”.

20 **SEC. 606. RANDOM AUDITS.**

21 Section 311(b) of FECA (2 U.S.C. 438(b)) is amend-  
22 ed—

23 (1) by inserting “(1)” before “The Commis-  
24 sion”; and

1           (2) by adding at the end the following new  
2 paragraph:

3           “(2) Notwithstanding paragraph (1), the Commission  
4 may from time to time conduct random audits and inves-  
5 tigation to ensure voluntary compliance with this Act.  
6 The subjects of such audits and investigations shall be se-  
7 lected on the basis of criteria established by vote of at  
8 least 4 members of the Commission to ensure impartiality  
9 in the selection process. This paragraph does not apply  
10 to an authorized committee of an eligible Senate candidate  
11 subject to audit under section 505(a) or an authorized  
12 committee of an eligible House of Representatives can-  
13 didate subject to audit under section 605(a).”.

14 **SEC. 607. PROHIBITION OF FALSE REPRESENTATION TO**  
15 **SOLICIT CONTRIBUTIONS.**

16 Section 322 of FECA (2 U.S.C. 441h) is amended—

17           (1) by inserting after “SEC. 322.” the follow-  
18 ing: “(a)”; and

19           (2) by adding at the end the following:

20           “(b) No person shall solicit contributions by falsely  
21 representing himself as a candidate or as a representative  
22 of a candidate, a political committee, or a political party.”.



1 **SEC. 608. REGULATIONS RELATING TO USE OF NON-FED-**  
2 **ERAL MONEY.**

3 Section 306 of FECA (2 U.S.C. 437c) is amended  
4 by adding at the end the following new subsection:

5 “(g) The Commission shall promulgate rules to pro-  
6 hibit devices or arrangements which have the purpose or  
7 effect of undermining or evading the provisions of this Act  
8 restricting the use of non-Federal money to affect Federal  
9 elections.”.

10 **TITLE VII—MISCELLANEOUS**

11 **SEC. 701. PROHIBITION OF LEADERSHIP COMMITTEES.**

12 Section 302(e) of FECA (2 U.S.C. 432(e)) is amend-  
13 ed—

14 (1) by amending paragraph (3) to read as fol-  
15 lows:

16 “(3) No political committee that supports or has sup-  
17 ported more than one candidate may be designated as an  
18 authorized committee, except that—

19 “(A) a candidate for the office of President  
20 nominated by a political party may designate the na-  
21 tional committee of such political party as the can-  
22 didate’s principal campaign committee, but only if  
23 that national committee maintains separate books of  
24 account with respect to its functions as a principal  
25 campaign committee; and

1           “(B) a candidate may designate a political com-  
2           mittee established solely for the purpose of joint  
3           fundraising by such candidates as an authorized  
4           committee.”; and

5           (2) by adding at the end the following new  
6           paragraph:

7           “(6)(A) A candidate for Federal office or any individ-  
8           ual holding Federal office may not establish, maintain, or  
9           control any political committee other than a principal cam-  
10          paign committee of the candidate, authorized committee,  
11          party committee, or other political committee designated  
12          in accordance with paragraph (3). A candidate for more  
13          than one Federal office may designate a separate principal  
14          campaign committee for each Federal office.

15          “(B) For one year after the effective date of this  
16          paragraph, any such political committee may continue to  
17          make contributions. At the end of that period such politi-  
18          cal committee shall disburse all funds by one or more of  
19          the following means: making contributions to an entity  
20          qualified under section 501(c)(3) of the Internal Revenue  
21          Code of 1986; making a contribution to the treasury of  
22          the United States; contributing to the national, State or  
23          local committees of a political party; or making contribu-  
24          tions not to exceed \$1,000 to candidates for elective of-  
25          fice.”.

1 **SEC. 702. POLLING DATA CONTRIBUTED TO CANDIDATES.**

2 Section 301(8) of FECA (2 U.S.C. 431(8)), as  
3 amended by section 314(b), is amended by inserting at  
4 the end the following new subparagraph:

5 “(D) A contribution of polling data to a can-  
6 didate shall be valued at the fair market value of the  
7 data on the date the poll was completed, depreciated  
8 at a rate not more than 1 percent per day from such  
9 date to the date on which the contribution was  
10 made.”.

11 **TITLE VIII—EFFECTIVE DATES;**  
12 **AUTHORIZATIONS**

13 **SEC. 801. EFFECTIVE DATE.**

14 Except as otherwise provided in this Act, the amend-  
15 ments made by, and the provisions of, this Act shall take  
16 effect on the date of the enactment of this Act but shall  
17 not apply with respect to activities in connection with any  
18 election occurring before January 1, 1995.

19 **SEC. 802. SENSE OF THE SENATE REGARDING FUNDING OF**  
20 **SENATE ELECTION CAMPAIGN FUND.**

21 It is the sense of the Senate that—

22 (1) the current Presidential checkoff should be  
23 increased to \$5.00, its designation changed to the  
24 “Federal Election Campaign Checkoff”, and individ-  
25 uals should be permitted to contribute an additional

1       \$5.00 to the fund in additional taxes if they so de-  
2       sire;

3           (2) the Internal Revenue Service and the Fed-  
4       eral Election Commission should be required to de-  
5       velop and implement a plan to publicize the fund  
6       and the checkoff to increase citizen participation;  
7       and

8           (3) funds to pay for the increase in the checkoff  
9       to \$5.00 should come from the repeal of the tax de-  
10      duction for business lobbying activity and the elimi-  
11      nation of newsletter franking by the Congress.

12   **SEC. 803. SEVERABILITY.**

13       Except as provided in sections 101(c) and 121(b), if  
14      any provision of this Act (including any amendment made  
15      by this Act), or the application of any such provision to  
16      any person or circumstance, is held invalid, the validity  
17      of any other provision of this Act, or the application of  
18      such provision to other persons and circumstances, shall  
19      not be affected thereby.

20   **SEC. 804. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.**

21       (a) DIRECT APPEAL TO SUPREME COURT.—An ap-  
22      peal may be taken directly to the Supreme Court of the  
23      United States from any interlocutory order or final judg-  
24      ment, decree, or order issued by any court ruling on the

1 constitutionality of any provision of this Act or amend-  
2 ment made by this Act.

3 (b) ACCEPTANCE AND EXPEDITION.—The Supreme  
4 Court shall, if it has not previously ruled on the question  
5 addressed in the ruling below, accept jurisdiction over, ad-  
6 vance on the docket, and expedite the appeal to the great-  
7 est extent possible.

○

S 87 IS—2

S 87 IS—3

S 87 IS—4

S 87 IS—5

S 87 IS—6

S 87 IS—7