

104TH CONGRESS
1ST SESSION

S. 10

To make certain laws applicable to the legislative branch of the Federal Government, to reform lobbying registration and disclosure requirements, to amend the gift rules of the Senate and the House of Representatives, and to reform the Federal election laws applicable to the Congress.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mr. DASCHLE (for himself, Mr. GLENN, Mr. LEVIN, Ms. MIKULSKI, Mr. BREAUX, Mr. KERRY, Ms. MOSELEY-BRAUN, and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To make certain laws applicable to the legislative branch of the Federal Government, to reform lobbying registration and disclosure requirements, to amend the gift rules of the Senate and the House of Representatives, and to reform the Federal election laws applicable to the Congress.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Comprehensive Con-
5 gressional Reform Act of 1995 ”.

1 **DIVISION A—EXTENSION OF**
2 **RIGHTS AND PROTECTIONS,**
3 **AND ASSOCIATED PROCE-**
4 **DURES**

5 **SEC. 100. SHORT TITLE, FINDINGS, PURPOSES, AND TABLE**
6 **OF CONTENTS.**

7 (a) **SHORT TITLE.**—This division may be cited as the
8 “Congressional Accountability Act of 1995”.

9 (b) **FINDINGS.**—The Congress makes the following
10 findings:

11 (1) All employees of the House of Representa-
12 tives, of the Senate, and of the congressional instru-
13 mentalities are entitled to fundamental rights and
14 protections provided by law to private and other
15 public employees.

16 (2) The Congress has made notable progress in
17 ensuring that such rights and protections are af-
18 forded to these legislative branch employees, by—

19 (A) extending to employees of the House of
20 Representatives the provisions of the Civil
21 Rights Act of 1964, the Americans with Dis-
22 abilities Act of 1990, the Family and Medical
23 Leave Act of 1993, and the Fair Labor Stand-
24 ards Act of 1938;

1 (B) extending to employees of the Senate
2 the provisions of the Civil Rights Act of 1964,
3 the Age Discrimination in Employment Act of
4 1967, the Rehabilitation Act of 1973, the
5 Americans with Disabilities Act of 1990, and
6 the Family and Medical Leave Act of 1993; and

7 (C) extending to employees of congres-
8 sional instrumentalities numerous rights and
9 protections under employment laws.

10 (3) The Congress should expand on this base of
11 rights and protections by eliminating gaps in cov-
12 erage and extending coverage so as to assure to leg-
13 islative branch employees the rights and protections
14 of laws on employment discrimination, family and
15 medical leave, fair labor standards, labor-manage-
16 ment relations, occupational safety and health, poly-
17 graph protection and worker retraining.

18 (4) The Congress should likewise establish
19 prompt, fair, and independent processes to resolve
20 disputes and to enforce employee rights and protec-
21 tions, building on and strengthening the dispute res-
22 olution and enforcement procedures already estab-
23 lished by the Government Employees Rights Act of
24 1991 (2 U.S.C. 1201 et seq.), section 117 of the

1 Civil Rights Act of 1991 (2 U.S.C. 601), and other
2 relevant statutes and rules of Congress.

3 (5) The extension of employee rights and pro-
4 tectations affecting employees of the Architect of the
5 Capitol and the Capitol Police should be accom-
6 plished in a manner that ensures that they are treat-
7 ed in a consistent manner regardless of their place
8 of assignment within the Congress.

9 (6) The extension of employee rights and pro-
10 tectations should be accomplished in a manner that is
11 consistent with the responsibilities and functions of
12 the House of Representatives and the Senate under
13 the Constitution.

14 (c) PURPOSES.—The purposes of this division are to
15 eliminate gaps in coverage, extend coverage, and establish
16 prompt, fair, and independent dispute resolution and en-
17 forcement procedures, for rights and protections estab-
18 lished by—

19 (1) title VII of the Civil Rights Act of 1964;

20 (2) the Fair Labor Standards Act of 1938;

21 (3) the Age Discrimination in Employment Act
22 of 1967;

23 (4) the Americans with Disabilities Act of
24 1990;

25 (5) the Rehabilitation Act of 1973;

1 (6) the Family and Medical Leave Act of 1993;

2 (7) the Occupational Safety and Health Act of
3 1970; and

4 (8) chapter 71 of title 5, United States Code
5 (commonly known as the “Federal Service Labor-
6 Management Relations Statute”).

7 (9) The Employee Polygraph Protection Act of
8 1988.

9 (10) The Worker Adjustment and Retraining
10 Notification Act.

11 (11) Chapter 43 of title 38, United States Code
12 (relating to veterans’ employment and reemploy-
13 ment).

14 (d) TABLE OF CONTENTS.—The table of contents for
15 this division is as follows:

DIVISION A—EXTENSION OF RIGHTS AND PROTECTIONS, AND
ASSOCIATED PROCEDURES

Sec. 100. Short title, findings, purposes, and table of contents.

Sec. 100A. Definitions.

TITLE I—EXTENSION OF RIGHTS AND PROTECTIONS, AND
ASSOCIATED PROCEDURES

Sec. 101. Rights and protections under laws against employment discrimina-
tion.

Sec. 102. Rights and protections under the Family and Medical Leave Act of
1993.

Sec. 103. Rights and protections under the Fair Labor Standards Act.

Sec. 104. Rights and protections under Employee Polygraph Protection Act.

Sec. 105. Rights and protections under Worker Adjustment and Retraining
Act.

Sec. 106. Rights and protections under chapter 43 of title 38, United States
Code.

Sec. 107. Procedures for remedy of employment discrimination, family and
medical leave, and fair labor standards violations.

- Sec. 108. Rights and protections under the Americans with Disabilities Act of 1990 relating to public services and public accommodations; procedures for remedy of violations.
- Sec. 109. Rights and protections under the Occupational Safety and Health Act of 1970; procedures for remedy of violations.
- Sec. 110. Application of Federal service labor-management relations statute; procedures for implementation and enforcement.
- Sec. 111. Application of other laws to Congress.
- Sec. 112. Study and recommendations regarding General Accounting Office, Government Printing Office, and Library of Congress.

TITLE II—OFFICE OF CONGRESSIONAL FAIR EMPLOYMENT
PRACTICES—ESTABLISHMENT AND OPERATIONS

- Sec. 201. Establishment of Office of Congressional Fair Employment Practices.
- Sec. 202. Board of Directors.
- Sec. 203. Officers, staff, and other personnel.
- Sec. 204. Rulemaking by the Office.
- Sec. 205. Information program.
- Sec. 206. Data collection and report.
- Sec. 207. Expenses of the Office.

TITLE III—ADMINISTRATIVE AND JUDICIAL DISPUTE-
RESOLUTION PROCEDURES

- Sec. 301. Counseling.
- Sec. 302. Mediation.
- Sec. 303. Complaint and hearing.
- Sec. 304. Appeal to the Board.
- Sec. 305. Judicial review of a final decision and enforcement.
- Sec. 306. Civil actions.
- Sec. 307. Time limitations.
- Sec. 308. Settlement of complaints.
- Sec. 309. Confidentiality.
- Sec. 310. Disclosure to committees of Congress.
- Sec. 311. Representation.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Exercise of rulemaking powers.
- Sec. 402. Settlement and awards reserves; authorization of appropriations.
- Sec. 403. Other judicial review prohibited.
- Sec. 404. Privileges and immunities.
- Sec. 405. Severability.
- Sec. 406. Political affiliation and place of residence.
- Sec. 407. Nondiscrimination rules of the House and Senate.
- Sec. 408. Expedited review of certain appeals.
- Sec. 409. Technical and conforming amendments.
- Sec. 410. Savings provision.

1 SEC. 100A. DEFINITIONS.

- 2** Except as otherwise specifically provided in this divi-
- 3** sion, as used in this Act:

1 (1) BOARD.—The term “Board” means the
2 Board of Directors of the Office of Congressional
3 Fair Employment Practices appointed under section
4 202.

5 (2) CALENDAR DAY OF CONTINUOUS SES-
6 SION.—The term “calendar day of continuous ses-
7 sion” means a calendar day other than one on which
8 either House is not in session because of an adjourn-
9 ment of more than three days to a date certain.

10 (3) CHAIR.—The term “Chair” means the
11 Chair of the Board of Directors of the Office of Con-
12 gressional Fair Employment Practices appointed
13 under section 202(b).

14 (4) COVERED EMPLOYEE.—The term “covered
15 employee” means any employee of—

16 (A) the House of Representatives;

17 (B) the Senate;

18 (C) the Architect of the Capitol;

19 (D) the Congressional Budget Office;

20 (E) the Office of Technology Assessment;

21 or

22 (F) the Office of Congressional Fair Em-
23 ployment Practices.

1 (5) DIRECTOR.—The term “Director” means
2 the Director of the Office of Congressional Fair Em-
3 ployment Practices appointed under section 203(a).

4 (6) EMPLOYEE OF THE ARCHITECT OF THE
5 CAPITOL.—The term “employee of the Architect of
6 the Capitol”, means—

7 (A) any employee of the Architect of the
8 Capitol, the Botanic Garden, or the Senate Res-
9 taurants;

10 (B) any applicant for a position that is to
11 be occupied by an individual described in sub-
12 paragraph (A) and whose claim of a violation
13 under this Act arises out of the application; and

14 (C) any individual who was formerly an
15 employee described in subparagraph (A) and
16 whose claim of a violation under this Act arises
17 out of the employment.

18 (7) EMPLOYEE OF CERTAIN CONGRESSIONAL
19 INSTRUMENTALITIES.—The terms “employee of the
20 Congressional Budget Office”, “employee of the Of-
21 fice of Technology Assessment”, and “employee of
22 the Office of Congressional Fair Employment Prac-
23 tices” mean, respectively—

24 (A) any employee of the Congressional
25 Budget Office, the Office of Technology Assess-

1 ment, or the Office of Congressional Fair Em-
2 ployment Practices;

3 (B) any applicant for a position that is to
4 be occupied by an individual described in sub-
5 paragraph (A) and whose claim of a violation
6 under this Act arises out of the application; and

7 (C) any individual who was formerly an
8 employee described in subparagraph (A) and
9 whose claim of a violation under this Act arises
10 out of the employment.

11 (8) EMPLOYEE OF THE HOUSE OF REPRESENT-
12 ATIVES.—The term “employee or the House of Rep-
13 resentatives” means—

14 (A) an individual occupying a position the
15 pay for which is disbursed by the Clerk of the
16 House of Representatives, or another official
17 designated by the House of Representatives, or
18 any employment position in a legislative service
19 organization or other entity that is paid
20 through funds derived from the clerk-hire allow-
21 ance of the House of Representatives, including
22 any such individual employed by the Capitol Po-
23 lice, the Capitol Guide Service, or the Office of
24 the Attending Physician, but not including an

1 individual employed by the Congressional Budget
2 Office or the Architect of the Capitol;

3 (B) any applicant for a position described
4 in subparagraph (A) whose claim of a violation
5 under this Act arises out of the application; and

6 (C) any individual who was formerly an
7 employee described in subparagraph (A) and
8 whose claim of a violation under this Act arises
9 out of the employment.

10 (9) EMPLOYEE OF THE SENATE.—The term
11 “employee of the Senate” means—

12 (A) any employee whose pay is disbursed
13 by the Secretary of the Senate, including any
14 such individual employed by the Capitol Police,
15 the Capitol Guide Service, or the Office of the
16 Attending Physician, but not including an indi-
17 vidual employed by the Architect of the Capitol;

18 (B) any applicant for a position that is to
19 be occupied by an individual described in sub-
20 paragraph (A) and whose claim of a violation
21 under this Act arises out of the application; and

22 (C) any individual who was formerly an
23 employee described in subparagraph (A) and
24 whose claim of a violation under this Act arises
25 out of the employment.

1 (10) EMPLOYING OFFICE.—The term “employ-
2 ing office” means the personal office of a Member
3 of the House of Representatives or a Senator or any
4 other office under the authority of a head of an em-
5 ploying office.

6 (11) GENERAL COUNSEL.—The term “General
7 Counsel” means the General Counsel of the Office of
8 Congressional Fair Employment Practices appointed
9 under section 203(c).

10 (12) HEAD OF AN EMPLOYING OFFICE.—The
11 term “head of an employing office” means—

12 (A) the Member of Congress or the officer
13 or employee or board or other entity of the
14 Congress that has final authority to appoint,
15 hire, discharge, and set the terms, conditions,
16 or privileges of the employment of an employee
17 of the House of Representatives or an employee
18 of the Senate; and

19 (B) the Architect of the Capitol, the Direc-
20 tor of the Congressional Budget Office, the Di-
21 rector of the Office of Technology Assessment,
22 and the Board of the Office of Congressional
23 Fair Employment Practices.

1 For purposes of the minority staff of a committee,
2 the ranking minority member shall be the head of
3 the employing office.

4 (13) OFFICE.—The term “Office” means the
5 Office of Congressional Fair Employment Practices
6 established under section 201.

7 **TITLE I—EXTENSION OF RIGHTS**
8 **AND PROTECTIONS, AND AS-**
9 **SOCIATED PROCEDURES**

10 **SEC. 101. RIGHTS AND PROTECTIONS UNDER LAWS**
11 **AGAINST EMPLOYMENT DISCRIMINATION.**

12 (a) DISCRIMINATORY PRACTICES PROHIBITED.—

13 (1) IN GENERAL.—All personnel actions affect-
14 ing covered employees shall, in accordance with the
15 terms of this section, be made free from any dis-
16 crimination based on—

17 (A) race, color, religion, sex, or national
18 origin, within the meaning of section 717 of the
19 Civil Rights Act of 1964 (42 U.S.C. 2000e–16);

20 (B) age, within the meaning of section 15
21 of the Age Discrimination in Employment Act
22 of 1967 (29 U.S.C. 633a); or

23 (C) handicap or disability, within the
24 meaning of section 501 of the Rehabilitation
25 Act of 1973 (29 U.S.C. 791) and sections 102

1 through 104 of the Americans with Disabilities
2 Act of 1990 (42 U.S.C. 12112–12114).

3 (2) PROHIBITION OF INTIMIDATION OR RE-
4 PRISAL.—Any intimidation of, or reprisal against,
5 any covered employee because of the exercise of a
6 right under section 107 or 109 with respect to rights
7 and protections under this Act constitutes an unlaw-
8 ful employment practice, which may be remedied in
9 the same manner as is a violation of paragraph (1).

10 (b) AVAILABLE RELIEF.—

11 (1) CIVIL RIGHTS.—The relief for a violation of
12 subsection (a)(1)(A) shall be such relief as would be
13 appropriate if awarded under sections 706(g) and
14 706(k) of the Civil Rights Act of 1964 (42 U.S.C.
15 2000e–5(g) and 2000e–5(k), and the same interest
16 to compensate for delay in payment shall be avail-
17 able as in cases involving nonpublic parties; and in-
18 cluding such compensatory damages (not exceeding,
19 for each complaining party, and irrespective of the
20 size of the employing office, the maximum amount
21 available under section 1977A(b)(3)(D)) of the Re-
22 vised Statutes (42 U.S.C. 1981a(b)(3)(D)) as would
23 be appropriate if awarded under section 1977 and
24 sections 1977(A) (a) and (b)(2) of the Revised Stat-
25 utes (42 U.S.C. 1981, 1981a (a) and (b)(2)).

1 (2) AGE DISCRIMINATION.—The relief for a vio-
2 lation of subsection (a)(1)(B) shall be such relief as
3 would be appropriate if awarded under section 15(c)
4 of the Age Discrimination in Employment Act of
5 1967 (29 U.S.C. 633a(c)).

6 (3) DISABILITIES DISCRIMINATION.—The relief
7 for a violation of subsection (a)(1)(C) shall be such
8 relief as would be appropriate if awarded under sec-
9 tion 505(a) of the Rehabilitation Act of 1973 (29
10 U.S.C. 794a(a)(1)) or section 107(a) of the Ameri-
11 cans with Disabilities Act of 1990 (42 U.S.C.
12 12117(a)).

13 (4) PUNITIVE DAMAGES.—Punitive damages
14 shall not be available for a violation of subsection
15 (a).

16 (c) EXCLUSIVE PROCEDURES.—No covered employee
17 may commence an administrative or judicial proceeding to
18 seek a remedy for practices prohibited under this section
19 except as provided in section 107. Only a covered employee
20 who has undertaken and completed the procedures de-
21 scribed in section 107 (1) through (3) may be granted re-
22 lief under this section.

23 (d) CLARIFICATION OF APPLICATION TO GENERAL
24 ACCOUNTING OFFICE, GOVERNMENT PRINTING OFFICE,
25 AND LIBRARY OF CONGRESS.—

1 (1) SECTION 717 OF THE CIVIL RIGHTS ACT OF
2 1964.—Section 717(a) of the Civil Rights Act of
3 1964 (42 U.S.C. 2000e–16) is amended by—

4 (A) striking “legislative and”;

5 (B) striking “branches” and inserting
6 “branch”; and

7 (C) inserting “Government Printing Office,
8 the General Accounting Office, and the” after
9 “and in the”.

10 (2) SECTION 15 OF THE AGE DISCRIMINATION
11 IN EMPLOYMENT ACT OF 1967.—Section 15(a) of the
12 Age Discrimination in Employment Act of 1967 (29
13 U.S.C. 633a(a)) is amended by—

14 (A) striking “legislative and”;

15 (B) striking “branches” and inserting
16 “branch”; and

17 (C) inserting “Government Printing Office,
18 the General Accounting Office, and the” after
19 “and in the”.

20 (3) SECTION 509 OF THE AMERICANS WITH DIS-
21 ABILITIES ACT OF 1990.—Section 509 of the Ameri-
22 cans with Disabilities Act of 1990 (42 U.S.C.
23 12209) is amended—

24 (A) by striking subsections (a) and (b) of
25 section 509;

1 (B) in subsection (c), by striking “(c) IN-
2 STRUMENTALITIES OF CONGRESS.—” and in-
3 serting “The General Accounting Office, the
4 Government Printing Office, and the Library of
5 Congress shall be covered as follows:”;

6 (C) by striking the second sentence of
7 paragraph (2);

8 (D) in paragraph (4), by striking “instru-
9 mentalities of the Congress include” and insert-
10 ing “the term instrumentality of the Congress’
11 means”, by striking “the Architect of the Cap-
12 itol, the Congressional Budget Office”, by in-
13 serting “and” before “the Library”, and by
14 striking “the Office of Technology Assessment,
15 and the United States Botanic Garden”;

16 (E) by redesignating paragraph (5) as
17 paragraph (7) and by inserting after paragraph
18 (4) the following new paragraph:

19 “(5) ENFORCEMENT OF EMPLOYMENT
20 RIGHTS.—The remedies, procedures, and rights set
21 forth in section 717 of the Civil Rights Act of 1964
22 (42 U.S.C. 2000e–16) shall be available to any em-
23 ployee of an instrumentality of the Congress who al-
24 leges a violation of the rights and protections under
25 sections 102 through 104 of the Americans with

1 Disabilities Act of 1990 (42 U.S.C. 12112–12114)
2 that are made applicable by this section, except that
3 the authorities of the Equal Employment Oppor-
4 tunity Commission shall be exercised by the chief of-
5 ficial of each instrumentality of the Congress.”; and

6 (F) by amending the title of the section to
7 read “**INSTRUMENTALITIES OF THE CON-**
8 **GRESS**”.

9 (e) EFFECTIVE DATE.—This section shall be effective
10 9 months after the date of enactment of this Act.

11 **SEC. 102. RIGHTS AND PROTECTIONS UNDER THE FAMILY**
12 **AND MEDICAL LEAVE ACT OF 1993.**

13 (a) FAMILY AND MEDICAL LEAVE RIGHTS AND PRO-
14 TECTIONS PROVIDED.—

15 (1) IN GENERAL.—The rights and protections
16 established under sections 101 through 105 of the
17 Family and Medical Leave Act of 1993 (29 U.S.C.
18 2611–2615) shall apply, in accordance with this sec-
19 tion, with respect to covered employees.

20 (2) DEFINITIONS.—For purposes of the appli-
21 cation described in paragraph (1)—

22 (A) the term “eligible employee” means a
23 covered employee who has been employed in any
24 employing office for 12 months and for at least

1 1,250 hours of employment during the previous
2 12 months; and

3 (B) the term “employer” means any em-
4 ploying office.

5 (b) AVAILABLE RELIEF.—The relief for a violation
6 of subsection (a) shall be such relief as would be appro-
7 priate if awarded under paragraph (1) or (3) of section
8 107(a) of the Family and Medical Leave Act of 1993 (29
9 U.S.C. 2617(a) (1) or (3)).

10 (c) EXCLUSIVE PROCEDURES.—No covered employee
11 may commence an administrative or judicial proceeding to
12 seek a remedy for a violation of the rights and protections
13 afforded in this section except as provided in section 107.
14 Only a covered employee who has undertaken and com-
15 pleted the procedures described in section 107 (1) through
16 (3) may be granted relief under this section.

17 (d) RULES TO IMPLEMENT SECTION.—

18 (1) IN GENERAL.—Not later than January 3,
19 1996, the Board shall, pursuant to section 204,
20 issue any rules necessary to implement the rights
21 and protections under this section.

22 (2) AGENCY REGULATIONS.—The rules promul-
23 gated under paragraph (1) shall be the same as sub-
24 stantive regulations promulgated by the Secretary of
25 Labor to implement the statutory provisions referred

1 to in subsections (a) and (b) except insofar as the
2 Board may determine, for good cause shown and
3 stated together with the rule, that a different rule
4 would better serve the purposes of such statutory
5 provisions and of this Act.

6 (e) APPLICATION TO GENERAL ACCOUNTING OFFICE
7 AND LIBRARY OF CONGRESS.—

8 (1) FAMILY AND MEDICAL LEAVE ACT OF
9 1993.—Section 101(4)(A) of the Family and Medical
10 Leave Act of 1933 (29 U.S.C. 2611(4)(A)) is
11 amended by striking “and” at the end of clause (ii),
12 by striking the period at the end of clause (iii) and
13 inserting “; and”, and by adding after clause (iii)
14 the following:

15 “(iv) includes the General Accounting
16 Office and the Library of Congress.”.

17 (2) CIVIL SERVICE EMPLOYEES.—Section
18 6381(1)(A) of title 5, United States Code, is amend-
19 ed by striking “and” after “District of Columbia”
20 and inserting before the semicolon the following: “,
21 and any employee of the General Accounting Office
22 and the Library of Congress”.

23 (3) ENFORCEMENT.—Section 107 of the Fam-
24 ily and Medical Leave Act of 1993 (29 U.S.C 2617)
25 is amended by adding at the end the following:

1 “(f) GENERAL ACCOUNTING OFFICE AND LIBRARY
2 OF CONGRESS.—

3 “(1) PROCEDURES.—Procedures for the en-
4 forcement of section 105 for the General Accounting
5 Office and the Library of Congress shall be limited
6 to the procedures described in subsection (a).

7 “(2) SECRETARY OF LABOR.—In the case of the
8 General Accounting Office and the Library of Con-
9 gress, the authority of the Secretary of Labor under
10 this title shall be exercised respectively by the head
11 official of the General Accounting Office and the Li-
12 brary of Congress.”.

13 (f) EFFECTIVE DATE.—Subsections (a) through (d)
14 shall be effective on the effective date of the rules issued
15 under subsection (d) or 1 year after the date of enactment
16 of this Act, whichever is earlier.

17 **SEC. 103. RIGHTS AND PROTECTIONS UNDER THE FAIR**
18 **LABOR STANDARDS ACT.**

19 (a) FAIR LABOR STANDARDS.—

20 (1) IN GENERAL.—Subject to the limitations in
21 section 13(a)(1) of the Fair Labor Standards Act of
22 1938 (29 U.S.C. 213(a)(1)), the rights and protec-
23 tions established under subsections (a)(1) and (d) of
24 section 6, section 7, section 12(c), and section
25 15(a)(3) of such Act (29 U.S.C. 206 (a)(1) and (d),

1 207, 212(c), 215(a)(3)) shall apply, in accordance
2 with this section, with respect to covered employees.

3 (2) VOLUNTEER SERVICES EXCEPTED.—For
4 the purposes of this section, the term “employee”
5 does not include any individual who volunteers to
6 perform services under the same conditions as would
7 exclude an individual who volunteers to perform
8 services for a State, a political subdivision of a
9 State, or an interstate governmental agency under
10 section 3(e)(4)(A) of the Fair Labor Standards Act
11 of 1938 (29 U.S.C. 203(e)(4)(A)).

12 (b) AVAILABLE RELIEF.—The relief for a violation
13 of subsection (a) shall be such relief as would be appro-
14 priate if awarded under section 16(b) of the Fair Labor
15 Standards Act of 1938 (29 U.S.C. 216(b)).

16 (c) EXCLUSIVE PROCEDURES.—No covered employee
17 may commence an administrative or judicial proceeding to
18 seek a remedy for a violation of the rights and protections
19 afforded in this section except as provided in section 107.
20 Only a covered employee who has undertaken and com-
21 pleted the procedures described in section 107 (1) through
22 (3) may be granted relief under this section.

23 (d) RULES TO IMPLEMENT SECTION.—

24 (1) IN GENERAL.—Not later than January 3,
25 1996, the Board shall, pursuant to section 204,

1 issue any rules necessary to implement the rights
2 and protections under this section.

3 (2) AGENCY REGULATIONS.—The rules promul-
4 gated under paragraph (1) shall be the same as sub-
5 stantive regulations promulgated by the Secretary of
6 Labor to implement the statutory provisions referred
7 to in subsections (a) and (b) except insofar as the
8 Board may determine, for good cause shown and
9 stated together with the rule, that a different rule
10 would better serve the purposes of such statutory
11 provisions and of this Act.

12 (3) IRREGULAR WORK SCHEDULES.—As part of
13 the rules under this subsection, the Board shall
14 study and, pursuant to section 204, issue rules es-
15 tablishing the manner and extent to which the re-
16 quirements of this section shall apply to covered em-
17 ployees whose work schedule directly depends on the
18 schedule of the House of Representatives or the Sen-
19 ate. Such rules shall include provisions comparable
20 to the provisions in the Fair Labor Standards Act
21 of 1938 that apply to private and public employees
22 who have irregular work schedules.

23 (e) CLARIFICATION OF APPLICATION TO THE GOV-
24 ERNMENT PRINTING OFFICE.—Section 3(e)(2)(A) of the

1 Fair Labor Standards Act of 1938 (29 U.S.C.
2 203(e)(2)(A)) is amended—

3 (1) in clause (iii), by striking “legislative or”,

4 (2) by striking “or” at the end of clause (iv),

5 (3) by striking the semicolon at the end of
6 clause (v) and inserting “, or”, and

7 (4) by adding after clause (v) the following:

8 “(vi) the Government Printing Of-
9 fice;”.

10 (f) EFFECTIVE DATES.—Subsections (a) through (c)
11 shall be effective on the effective date of the rules issued
12 under subsection (d) or on July 1, 1996, whichever is ear-
13 lier.

14 **SEC. 104. RIGHTS AND PROTECTIONS UNDER EMPLOYEE**
15 **POLYGRAPH PROTECTION ACT.**

16 (a) POLYGRAPH PROTECTION RIGHTS.—

17 (1) IN GENERAL.—The rights and protections
18 of the Employee Polygraph Protection Act of 1988
19 (29 U.S.C. 2001 et seq.) shall apply, in accordance
20 with this section, with respect to covered employees.

21 (2) COVERAGE.—For purposes of this section,
22 the term “covered employee” shall include employees
23 of the General Accounting Office and the Library of
24 Congress, and the term “employing office” shall in-

1 clude the General Accounting Office and the Library
2 of Congress.

3 (b) AVAILABLE RELIEF.—The relief for a violation
4 of subsection (a) shall be such relief as would be appro-
5 priate if awarded under section 6(c)(1), (3) of the Em-
6 ployee Polygraph Protection Act of 1988 (29 U.S.C.
7 20005(c)(1), (3)).

8 (c) EXCLUSIVE PROCEDURES.—No covered employee
9 may commence an administrative or judicial proceeding to
10 seek a remedy for any violation of or to enforce any rights
11 and protections provided by this section except as provided
12 in section 107. Only a covered employee who has under-
13 taken and completed the procedures described in sections
14 107 (1) through (3) may be granted relief under this sec-
15 tion.

16 (d) RULES TO IMPLEMENT SECTION.—Not later
17 than January 3, 1997, the Board shall issue rules pursu-
18 ant to section 204 on the manner and extent to which
19 the requirements, exemptions, and relief (except for pen-
20 alties) of the Employee Polygraph Protection Act of 1988
21 should apply to covered employees and offices of the legis-
22 lative branch. In issuing such regulations, the Board shall,
23 to the greatest extent practicable, be consistent with the
24 provisions and purposes of such Act and any regulations

1 issued by the Secretary of Labor under such Act, and the
2 purposes of this Act.

3 (e) EFFECTIVE DATE.—Subsections (a) and (b) shall
4 be effective on the effective date of the rules issued under
5 subsection (c) or on July 1, 1997, whichever is earlier;
6 except that subsections (a) and (b) shall be effective with
7 respect to the General Accounting Office and the Library
8 of Congress 1 year after the completion of the study under
9 section 112.

10 **SEC. 105. RIGHTS AND PROTECTIONS UNDER WORKER AD-**
11 **JUSTMENT AND RETRAINING ACT.**

12 (a) WORKER ADJUSTMENT AND RETRAINING
13 RIGHTS.—

14 (1) IN GENERAL.—The rights and protections
15 of the Worker Adjustment and Retraining Notifica-
16 tion Act (29 U.S.C. 2101 et seq.) shall apply, in ac-
17 cordance with this section, with respect to covered
18 employees.

19 (2) COVERAGE.—For purposes of this section,
20 the term “covered employee” shall include employees
21 of the General Accounting Office and the Library of
22 Congress, and the term “employing office” shall in-
23 clude the General Accounting Office and the Library
24 of Congress.

1 (b) AVAILABLE RELIEF.—The relief for a violation
2 of subsection (a) shall be such relief as would be appro-
3 priate if awarded under section 5 of the Worker Adjust-
4 ment and Retraining Notification Act of 1988 (29 U.S.C.
5 2104(a)).

6 (c) EXCLUSIVE PROCEDURES.—No person may com-
7 mence an administrative or judicial proceeding to seek a
8 remedy for any violation of or to enforce any rights and
9 protections provided by this section except as provided in
10 section 107. Only a covered employee who has undertaken
11 and completed the procedures described in section 107 (1)
12 through (3) may be granted relief under this section.

13 (d) RULES TO IMPLEMENT SECTION.—Not later
14 than January 3, 1997, the Board shall issue rules pursu-
15 ant to section 204 on the manner and extent to which
16 the requirements, exemptions, and relief of the Worker
17 Adjustment and Retraining Act should apply to covered
18 employees and employing offices. In issuing such regula-
19 tions, the Board shall, to the greatest extent practicable,
20 be consistent with the provisions and purposes of such Act
21 and any regulations issued by the Secretary of Labor
22 under such Act, and the purposes of this Act.

23 (e) EFFECTIVE DATE.—Subsections (a) and (b) shall
24 be effective on the effective date of the rules issued under
25 subsection (c) or on July 1, 1997, whichever is earlier;

1 except that subsections (a) and (b) shall be effective with
2 respect to the General Accounting Office and the Library
3 of Congress 1 year after the completion of the study under
4 section 112.

5 **SEC. 106. RIGHTS AND PROTECTIONS UNDER CHAPTER 43**
6 **OF TITLE 38, UNITED STATES CODE.**

7 (a) EMPLOYMENT AND REEMPLOYMENT RIGHTS OF
8 MEMBERS OF THE UNIFORMED SERVICES.—

9 (1) IN GENERAL.—It shall be unlawful for an
10 employing office to—

11 (A) discriminate, within the meaning of
12 sections 4311(a) and 4311(b) of title 38, Unit-
13 ed States Code, against an eligible employee;

14 (B) deprive an eligible employee of reem-
15 ployment rights within the meaning of sections
16 4312 and 4313 of title 38, United States Code;
17 or

18 (C) deprive an eligible employee of benefits
19 within the meaning of sections 4316, 4317, and
20 4318 of title 38, United States Code.

21 (2) DEFINITION.—For purposes of this section,
22 the term “eligible employee” means a covered em-
23 ployee performing service in the uniformed services,
24 within the meaning of section 4303(13) of title 38,
25 United States Code, whose service has not been ter-

1 minated upon occurrence of any of the events enu-
2 merated in section 4304 of title 38, United States
3 Code.

4 (3) COVERAGE.—For purposes of this section,
5 the term “covered employee” shall include employees
6 of the General Accounting Office and the Library of
7 Congress and the term “employing office” shall in-
8 clude the General Accounting Office and the Library
9 of Congress.

10 (b) AVAILABLE RELIEF.—The relief for a violation
11 of subsection (a) shall be such relief as would be appro-
12 priate if awarded under section 4323(c)(1) of title 38,
13 United States Code.

14 (c) EXCLUSIVE PROCEDURES.—No person may com-
15 mence an administrative or judicial proceeding to seek a
16 remedy for practices prohibited under this section except
17 as provided in section 107 and section 4314(c) of title 38,
18 United States Code. Only a covered employee who has un-
19 dertaken and completed the procedures described in sec-
20 tion 107 (1) through (3) may be granted relief under this
21 section.

22 (d) RULES TO IMPLEMENT SECTION.—

23 (1) IN GENERAL.—Not later than January 3,
24 1996, the Board shall, pursuant to section 204,

1 issue any rules necessary to implement the rights
2 and protections under this section.

3 (2) AGENCY REGULATIONS.—The rules promul-
4 gated under paragraph (1) shall be the same as sub-
5 stantive regulations promulgated by the Secretary of
6 Labor to implement the statutory provisions referred
7 to in subsection (a) except to the extent that the
8 Board may determine, for good cause shown and
9 stated together with the regulation, that a different
10 regulation would better serve the purposes of such
11 statutory provisions and of this Act.

12 (e) EFFECTIVE DATE.—This section shall be effective
13 on the effective date of the regulations issued under sub-
14 section (d) or on July 1, 1997, whichever is earlier; except
15 that subsections (a) and (b) shall be effective with respect
16 to the General Accounting Office and the Library of Con-
17 gress 1 year after the completion of the study under sec-
18 tion 112.

19 **SEC. 107. PROCEDURES FOR REMEDY OF EMPLOYMENT**
20 **DISCRIMINATION, FAMILY AND MEDICAL**
21 **LEAVE, AND FAIR LABOR STANDARDS VIOLA-**
22 **TIONS.**

23 The exclusive procedures for remedy of violations of
24 sections 101, 102, 103, 104, 105, and 106 shall be as fol-
25 lows:

1 (1) COUNSELING.—Any covered employee alleg-
2 ing a violation of section 101, 102, 103, 104, 105,
3 or 106 may request counseling by the Office. Such
4 counseling shall be conducted pursuant to the provi-
5 sions of section 301 and shall be requested within
6 the time specified in section 307.

7 (2) MEDIATION.—Not later than 15 days after
8 the Office gives notification to an employee pursuant
9 to section 301(d) of the end of the period of counsel-
10 ing under paragraph (1), the employee may file a re-
11 quest for mediation with the Office. On the filing of
12 such a request, the Office shall conduct mediation in
13 accordance with section 302.

14 (3) CHOICE OF ADJUDICATORY PROCEEDING.—
15 Not later than 90 days after the Office gives notice
16 pursuant to section 302(f) of the end of the period
17 of mediation, but not sooner than 30 days after such
18 notification, an employee may either—

19 (A) file a formal complaint with the Office
20 in accordance with section 303; or

21 (B) file a civil action in the United States
22 district court for the district in which the em-
23 ployee is employed or for the District of Colum-
24 bia, subject to the provisions of section 306.

1 (4) APPEAL TO THE BOARD.—Any party ag-
2 grieved by a final decision of the hearing officer with
3 respect to a formal complaint filed with the Office
4 pursuant to paragraph (3)(A) may appeal to the
5 Board pursuant to section 304 not later than 30
6 days after the entry of the final decision of a hear-
7 ing officer under section 303(g).

8 (5) JUDICIAL REVIEW.—Any party aggrieved by
9 a final decision of the Board under paragraph (4)
10 may file a petition for review in the United States
11 Court of Appeals for the Federal Circuit pursuant to
12 section 305 not later than 90 days after the entry
13 of the final decision of the Board under section
14 304(e).

15 **SEC. 108. RIGHTS AND PROTECTIONS UNDER THE AMERI-**
16 **CANS WITH DISABILITIES ACT OF 1990 RELAT-**
17 **ING TO PUBLIC SERVICES AND PUBLIC AC-**
18 **COMMODATIONS; PROCEDURES FOR REMEDY**
19 **OF VIOLATIONS.**

20 (a) ENTITIES SUBJECT TO THIS SECTION.—The re-
21 quirements of this section shall apply to—

- 22 (1) each office of the Senate;
- 23 (2) each office of the House of Representatives;
- 24 (3) each joint committee of the Congress;

1 (4) the Office of the Architect of the Capitol
2 (including the Senate Restaurants and the Botanic
3 Garden);

4 (5) the Capitol Guide Service;

5 (6) the Capitol Police;

6 (7) the Congressional Budget Office;

7 (8) the Office of Technology Assessment; and

8 (9) the Office of Congressional Fair Employ-
9 ment Practices.

10 (b) DISCRIMINATION IN PUBLIC SERVICES.—

11 (1) RIGHTS AND PROTECTIONS.—The rights
12 and protections against discrimination in the provi-
13 sion of public services established under sections 201
14 through 230, 302, 303, 309, 503(a), and 503(b) of
15 the Americans with Disabilities Act of 1990 (42
16 U.S.C. 12131–12150, 12182–12183, 12189,
17 12203(a), 12203(b)) shall apply, pursuant to the
18 terms of this section, to the entities listed in sub-
19 section (a).

20 (2) COVERAGE.—The rights and protections of
21 paragraph (1) shall apply, pursuant to the terms of
22 this section, to any qualified individual with a dis-
23 ability (as defined in section 201(2) of the Ameri-
24 cans with Disabilities Act of 1990 (42 U.S.C.
25 12131(2)), except that, with respect to any claims of

1 employment discrimination asserted by any covered
2 employee, the exclusive remedy shall be under sec-
3 tion 101.

4 (3) DEFINITIONS.—For purposes of the appli-
5 cation of the Americans with Disabilities Act of
6 1990 under this section, the term “public entity”
7 means any entity listed in subsection (a). For pur-
8 poses of this section, an office of the Senate or an
9 office of the House of Representatives means, re-
10 spectively, a unit of the Senate or the House of Rep-
11 resentatives that provides public services, within the
12 meaning of sections of the Americans with Disabil-
13 ities Act of 1990 as applied by paragraph (1).

14 (c) AVAILABLE RELIEF.—The relief for a violation
15 of subsection (b) shall be such relief as would be appro-
16 priate if awarded under section 203 or 503(c) of the
17 Americans with Disabilities Act of 1990 (42 U.S.C. 12133
18 or 12203(c)).

19 (d) AVAILABLE PROCEDURES.—

20 (1) CHARGE FILED WITH GENERAL COUN-
21 SEL.—A qualified individual with a disability who al-
22 leges a violation of subsection (b) by an entity listed
23 in subsection (a) may file a charge with the General
24 Counsel. The General Counsel shall investigate the
25 charge.

1 (2) MEDIATION.—If, upon investigation under
2 paragraph (1), the General Counsel believes that a
3 violation of subsection (b) may have occurred and
4 that mediation may be helpful in resolving the dis-
5 pute, the General Counsel may request mediation
6 under section 302 between the charging individual
7 and the entity or entities responsible for causing or
8 remedying the alleged violation.

9 (3) COMPLAINT, HEARING, BOARD REVIEW.—If
10 mediation under paragraph (2) has not succeeded in
11 resolving the dispute, and if the General Counsel be-
12 lieves that a violation of subsection (b) has occurred,
13 the General Counsel may file with the Office a com-
14 plaint against the entity or entities. The complaint
15 shall be submitted to a hearing officer for decision
16 pursuant to section 303, subject to review by the
17 Board pursuant to section 304.

18 (4) JUDICIAL REVIEW.—The charging individ-
19 ual or the entity or entities respondent to the com-
20 plaint, if aggrieved by a final decision of the Board
21 under paragraph (3), may file a petition for review
22 in the United States Court of Appeals for the Fed-
23 eral Circuit, pursuant to section 305.

24 (5) EXCLUSIVE PROCEDURES.—No person may
25 commence an administrative or judicial proceeding

1 to seek a remedy for violation of the rights and pro-
2 tections afforded in this section except as provided
3 in this subsection. Only a qualified individual with a
4 disability who has filed a charge with the General
5 Counsel under this subsection may be granted relief
6 under this section.

7 (e) RULES TO IMPLEMENT SECTION.—

8 (1) IN GENERAL.—Not later than January 3,
9 1996, the Board shall, pursuant to section 204,
10 issue rules necessary to implement the rights and
11 protections under this section.

12 (2) AGENCY REGULATIONS.—The rules promul-
13 gated under paragraph (1) shall be the same as sub-
14 stantive regulations promulgated by the Attorney
15 General and the Secretary of Transportation to im-
16 plement the statutory provisions referred to in sub-
17 sections (b) and (c) except to the extent that the
18 Board may determine, for good cause shown and
19 stated together with the rule, that a different rule
20 would better serve the purposes of such statutory
21 provisions and of this Act.

22 (f) EFFECTIVE DATES.—Subsections (b), (c), and (d)
23 shall be effective on the effective date of the rules issued
24 under subsection (e) or on July 1, 1996, whichever is ear-
25 lier.

1 (g) INSPECTION; REPORT TO CONGRESS.—

2 (1) INSPECTION.—On a regular basis, and at
3 least once each Congress, the General Counsel shall
4 inspect the facilities of Congress and of congres-
5 sional instrumentalities listed in subsection (a) to
6 ensure compliance with subsection (b).

7 (2) REPORT.—On the basis of these inspec-
8 tions, the General Counsel shall, at least once every
9 Congress, prepare and submit a report to the Speak-
10 er of the House of Representatives and the Presi-
11 dent pro tempore of the Senate containing the re-
12 sults of the inspection, describing any steps nec-
13 essary to correct any violations of this section, as-
14 ssuming any limitations in accessibility to and
15 usability by individuals with disabilities associated
16 with each violation, and the estimated cost and time
17 needed for abatement.

18 (3) DETAILS.—The Attorney General, the Sec-
19 retary of Transportation, and the Architectural and
20 Transportation Barriers Compliance Board may, on
21 request of the Office, detail to the Office such per-
22 sonnel as may be necessary to advise and assist the
23 Office in carrying out its duties under this section.

24 (h) APPLICATION OF AMERICANS WITH DISABIL-
25 ITIES ACT OF 1990 TO THE PROVISION OF PUBLIC SERV-

1 ICES AND ACCOMMODATIONS BY THE GENERAL ACCOUNT-
2 ING OFFICE, THE GOVERNMENT PRINTING OFFICE, AND
3 THE LIBRARY OF CONGRESS.—Section 509 of the Ameri-
4 cans with Disabilities Act of 1990 (42 U.S.C. 12209), as
5 amended by section 101(d), is amended by adding the fol-
6 lowing new paragraph:

7 “(6) ENFORCEMENT OF RIGHTS TO PUBLIC
8 SERVICES AND ACCOMMODATIONS.—The remedies,
9 procedures, and rights set forth in section 717 of the
10 Civil Rights Act of 1964 (42 U.S.C. 2000e–16) shall
11 be available to any qualified person with a disability
12 who is a visitor, guest, or patron of an instrumentality
13 of Congress and who alleges a violation of the
14 rights and protections under sections 201 through
15 230, 302, and 303 of the Americans with Disabil-
16 ities Act of 1990 (42 U.S.C. 12131–12150, 12182–
17 83) that are made applicable by this section, except
18 that the authorities of the Equal Employment Op-
19 portunity Commission shall be exercised by the chief
20 official of the instrumentality of the Congress.”.

21 **SEC. 109. RIGHTS AND PROTECTIONS UNDER THE OCCUPA-**
22 **TIONAL SAFETY AND HEALTH ACT OF 1970;**
23 **PROCEDURES FOR REMEDY OF VIOLATIONS.**

24 (a) OCCUPATIONAL SAFETY AND HEALTH PROTEC-
25 TIONS.—

1 (1) IN GENERAL.—Each employing office and
2 each covered employee (and representatives of such
3 employee) shall comply with provisions of section 5
4 of the Occupational Safety and Health Act of 1970
5 (29 U.S.C. 654). The duties, rights, and protections
6 of sections 8, 9, and 11(c) of the Occupational Safe-
7 ty and Health Act of 1970 (29 U.S.C. 657, 658 and
8 660(c)) shall apply with respect to each employing
9 office and each covered employee (and representa-
10 tives of such employee). For purposes of the applica-
11 tion under this section of the Occupational Safety
12 and Health Act of 1970, the term “employer” as
13 used in such Act or in this section means any em-
14 ploying office and the term “employee” means any
15 covered employee.

16 (2) COVERAGE.—For purposes of the applica-
17 tion under this section of the Occupational Safety
18 and Health Act of 1970, the term “employer” as
19 used in such Act means an employing office and the
20 term “employee” means a covered employee. For
21 purposes of this section, the term “employing office”
22 includes the General Accounting Office and the Li-
23 brary of Congress, and the term “employee” in-
24 cludes employees of the General Accounting Office
25 and the Library of Congress.

1 (b) AVAILABLE REMEDIES.—The remedies for a vio-
2 lation of subsection (a) shall be such remedies, except pen-
3 alties, as would be appropriate if awarded under sections
4 9(a), 10(c), and 11(c)(2) of the Occupational Safety and
5 Health Act of 1970 (29 U.S.C. 658(a), 659(c), and
6 660(c)(2)).

7 (c) AVAILABLE PROCEDURES.—

8 (1) INSPECTIONS, INVESTIGATIONS; AUTHORI-
9 TIES OF THE GENERAL COUNSEL.—For purposes of
10 this section and in the manner provided in this sec-
11 tion, the General Counsel shall exercise the authori-
12 ties granted to the Secretary of Labor by sub-
13 sections (a) and (f) of section 8 of the Occupational
14 Safety and Health Act of 1970 (29 U.S.C. 657 (a)
15 and (f)) to inspect and investigate places of employ-
16 ment under the jurisdiction of employers. Any em-
17 ployer, employee, or representative of employees may
18 submit written requests to the General Counsel to
19 conduct an inspection.

20 (2) CITATIONS, NOTICES, NOTIFICATIONS; AU-
21 THORITIES OF THE GENERAL COUNSEL.—

22 (A) IN GENERAL.—For purposes of this
23 section and in the manner provided in this sec-
24 tion, the General Counsel shall exercise the au-
25 thorities granted to the Secretary of Labor in

1 sections 9 and 10 of the Occupational Safety
2 and Health Act of 1970 (29 U.S.C. 658 and
3 659), to issue—

4 (i) a citation or notice to any em-
5 ployer that the General Counsel believes is
6 in violation of subsection (a); or

7 (ii) a notification to any employer that
8 the General Counsel believes has failed to
9 correct a violation for which a citation has
10 been issued within the period permitted for
11 its correction.

12 (B) APPROPRIATE EMPLOYER.—A citation
13 or notification may not be issued to an em-
14 ployer that is neither responsible for having
15 caused nor responsible for correcting a viola-
16 tion. Appropriation of insufficient funds shall
17 not indicate a lack of responsibility for having
18 caused or for correcting a violation. If correc-
19 tion of a violation requires action by the Archi-
20 tect of the Capitol, the General Counsel may
21 name the Architect of the Capitol in the cita-
22 tion or notification as an additional respondent.

23 (3) HEARINGS, REVIEW; AUTHORITIES OF THE
24 BOARD.—For purposes of this section and except as
25 otherwise provided in this section, the Board shall

1 exercise the authorities granted to the Occupational
2 Safety and Health Review Commission in section
3 10(c) of the Occupational Safety and Health Act of
4 1970 (29 U.S.C. 659(c)) and to the Secretary of
5 Labor (with respect to affirming or modifying abate-
6 ment requirements), to hear objections and requests
7 with respect to citations and notifications. The
8 Board may refer disputed matters under this para-
9 graph to a hearing officer pursuant to section 303,
10 subject to review by the Board pursuant to section
11 304.

12 (4) VARIANCE PROCEDURES.—For the purposes
13 of this section and except as otherwise provided by
14 this section, the Board shall exercise the authorities
15 granted to the Secretary of Labor in section 6(b)(6)
16 of the Occupational Safety and Health Act of 1970
17 (29 U.S.C. 655(b)(6)) to act on any request by an
18 employer applying for a temporary order granting a
19 variance from a standard. The Board may refer the
20 matter to a hearing officer pursuant to section 303,
21 subject to review by the Board pursuant to section
22 304.

23 (5) JUDICIAL REVIEW.—The General Counsel,
24 or an employing office that is a respondent to a
25 complaint and is aggrieved by a final decision of the

1 Board under paragraph (3) or (4), may file a peti-
2 tion for review with the United States Court of Ap-
3 peals for the Federal Circuit pursuant to section
4 305.

5 (6) PROCEDURES REGARDING CLAIMS OF IN-
6 TIMIDATION OR REPRISAL; AUTHORITIES OF GEN-
7 ERAL COUNSEL.—

8 (A) CHARGE FILED WITH GENERAL COUN-
9 SEL.—Any employee who believes that he or she
10 has been discharged or otherwise discriminated
11 against in violation of section 11(c) of the Oc-
12 cupational Safety and Health Act of 1970 (29
13 U.S.C. 660(c)) as made applicable by this sec-
14 tion, may, within 30 days after such violation
15 occurs, file a charge with the Office alleging
16 such discrimination. The General Counsel shall
17 investigate the charge.

18 (B) MEDIATION.—If, upon investigation
19 under subparagraph (A), the General Counsel
20 believes that a violation of section 11(c) of the
21 Occupational Safety and Health Act may have
22 occurred, the General Counsel may request me-
23 diation under section 302 between the charging
24 employee and the employer that is alleged to
25 have committed the violation.

1 (C) COMPLAINT, HEARING, BOARD RE-
2 VIEW.—If mediation under subparagraph (B)
3 has not succeeded in resolving the dispute, and
4 if the General Counsel believes that a violation
5 of section 11(c) of the Occupational Safety and
6 Health Act of 1970 has occurred, the General
7 Counsel may file with the Office a complaint
8 against the employer. The complaint shall be
9 submitted to a hearing officer for decision pur-
10 suant to section 303, subject to review by the
11 Board pursuant to section 304.

12 (D) PETITION FOR REVIEW.—The charg-
13 ing employee or any employing office respond-
14 ent to the complaint, if aggrieved by a final de-
15 cision of the Board under this paragraph, may
16 file a petition for review with the United States
17 Court of Appeals for the Federal Circuit, pur-
18 suant to section 305.

19 (E) RELIEF.—Only a covered employee
20 who has filed a charge with the General Coun-
21 sel under this paragraph may be granted relief
22 under this section.

23 (7) EXCLUSIVE PROCEDURES.—No covered em-
24 ployee or representative of such employees may com-
25 mence any administrative or judicial proceeding to

1 seek a remedy for a violation of the rights and pro-
2 tections afforded in this section except as provided
3 in this subsection.

4 (d) RULES TO IMPLEMENT SECTION.—

5 (1) IN GENERAL.—Not later than July 1, 1996,
6 the Board shall, pursuant to section 204, issue rules
7 necessary to implement the rights and protections
8 under this section.

9 (2) AGENCY REGULATIONS.—The rules promul-
10 gated under paragraph (1) shall be the same as
11 standards and other substantive regulations promul-
12 gated by the Secretary of Labor to implement the
13 statutory provisions referred to in subsections (a)
14 and (b) except to the extent that the Board may de-
15 termine, for good cause shown and stated together
16 with the rule, that a different rule would better serve
17 the purposes of such statutory provisions and of this
18 Act.

19 (e) EFFECTIVE DATES.—Subsections (a) through (c)
20 shall be effective on the effective date of the rules issued
21 under subsection (d) or on January 3, 1997, whichever
22 is earlier; except that subsections (a) and (b) shall be ef-
23 fective with respect to the General Accounting Office and
24 the Library of Congress 1 year after the completion of
25 the study under section 112.

1 (f) INSPECTION; REPORT TO CONGRESS; INITIAL
2 STUDY.—

3 (1) INSPECTIONS.—On a regular basis, and at
4 least once each Congress, the General Counsel shall
5 inspect the facilities of the House of Representa-
6 tives, the Senate, the Architect of the Capitol, the
7 Congressional Budget Office, the Office of Tech-
8 nology Assessment, and the Office of Congressional
9 Fair Employment Practices to ensure compliance
10 with subsection (a).

11 (2) REPORT.—On the basis of these inspec-
12 tions, the General Counsel shall, at least once every
13 Congress, prepare and submit a report to the Speak-
14 er of the House of Representatives and the Presi-
15 dent pro tempore of the Senate containing the re-
16 sults of the inspection, describing any steps nec-
17 essary to correct any violations of this section, as-
18 sessing any risks to employee health and safety asso-
19 ciated with each violation, and the estimated cost
20 and time needed for abatement.

21 (3) DETAILS.—The Secretary of Labor may, on
22 request of the Office, detail to the Office such per-
23 sonnel as may be necessary to advise and assist the
24 Office in carrying out its duties under this section.

1 (4) INITIAL PERIOD FOR STUDY AND CORREC-
2 TIVE ACTION.—The period from the date of enact-
3 ment of this Act until January 3, 1997, shall be
4 available to employing offices to identify any viola-
5 tions of subsection (a), to determine the costs of
6 coming into compliance, and to take any necessary
7 corrective action to cure any violations. The Office
8 shall assist employing offices by arranging for in-
9 spections and other technical assistance at their re-
10 quest. By July 1, 1996, the General Counsel shall
11 conduct a thorough inspection under paragraph (1)
12 and shall submit a report under paragraph (2).

13 **SEC. 110. APPLICATION OF FEDERAL SERVICE LABOR-MAN-**
14 **AGEMENT RELATIONS STATUTE; PROCE-**
15 **DURES FOR IMPLEMENTATION AND EN-**
16 **FORCEMENT.**

17 (a) LABOR-MANAGEMENT RIGHTS.—Subject to sub-
18 section (d), the rights, protections, and responsibilities es-
19 tablished under sections 7102, 7103, 7106, 7111 through
20 7117, and 7119 through 7122 of title 5, United States
21 Code, shall apply, pursuant to this section, to employing
22 offices and to covered employees and representatives of
23 those employees. For purposes of the application under
24 this section of the sections referred to in the preceding

1 sentence, the term “agency” shall be deemed to include
2 an employing office.

3 (b) AUTHORITIES AND PROCEDURES FOR IMPLE-
4 MENTATION AND ENFORCEMENT.—

5 (1) GENERAL AUTHORITIES OF THE BOARD;
6 PETITIONS.—For purposes of this section and except
7 as otherwise provided in this section, the Board shall
8 exercise the authorities of the Federal Labor Rela-
9 tions Authority under sections 7105, 7111 through
10 7113, 7115, 7117, 7118, and 7122 of title 5, United
11 States Code, and of the President under section
12 7103(b) of title 5, United States Code. For purposes
13 of this section, any petition or other submission that,
14 under chapter 71 of title 5, United States Code,
15 would be submitted to the Federal Labor Relations
16 Authority shall, if brought under this section, be
17 submitted to the Board. The Board may refer any
18 matter under this paragraph to a hearing officer for
19 decision pursuant to section 303, subject to review
20 by the Board pursuant to section 304. The Board
21 may direct that the General Counsel carry out the
22 Board’s investigative authorities under this para-
23 graph.

24 (2) GENERAL AUTHORITIES OF THE GENERAL
25 COUNSEL; CHARGES OF UNFAIR LABOR PRACTICE.—

1 For purposes of this section and except as otherwise
2 provided in this section, the General Counsel shall
3 exercise the authorities of the General Counsel of
4 the Federal Labor Relations Authority under sec-
5 tions 7104 and 7118 of title 5, United States Code.
6 For purposes of this section, any charge or other
7 submission that, under chapter 71 of title 5, United
8 States Code, would be submitted to the General
9 Counsel of the Federal Labor Relations Authority
10 shall, if brought under this section, be submitted to
11 the General Counsel. If any person charges an em-
12 ploying office or a labor organization with having en-
13 gaged in or engaging in an unfair labor practice, the
14 General Counsel shall investigate the charge and
15 may issue a complaint. The complaint shall be sub-
16 mitted to a hearing officer for decision pursuant to
17 section 303, subject to review by the Board pursuant
18 to section 304.

19 (3) EXERCISE OF IMPASSES PANEL AUTHORITY;
20 REQUESTS.—For purposes of this section and except
21 as otherwise provided in this section, the Board shall
22 exercise the authorities of the Federal Service Im-
23 passes Panel under section 7119 of title 5, United
24 States Code. For purposes of this section, any re-
25 quest that, under chapter 71 of title 5, United

1 States Code, would be presented to the Federal
2 Service Impasses Panel shall, if made under this sec-
3 tion, be presented to the Board. At the request of
4 the Board, the Director shall appoint a mediator or
5 mediators to perform the functions of the Federal
6 Service Impasses Panel under section 7119 of title
7 5, United States Code.

8 (4) JUDICIAL REVIEW.—Except for matters re-
9 ferred to in paragraphs (1) and (2) of section
10 7123(a) of title 5, United States Code, the charging
11 individual or the entity or entities respondent to the
12 complaint, if aggrieved by a final decision of the
13 Board pursuant to this section may file a petition
14 for judicial review in the United States Court of Ap-
15 peals for the Federal Circuit pursuant to section
16 305.

17 (5) EXCLUSIVE PROCEDURES.—No covered em-
18 ployee or representative of such employees may com-
19 mence an administrative or judicial proceeding to
20 seek a remedy for any violation of or to enforce any
21 rights and protections provided by this section ex-
22 cept as provided in this subsection.

23 (c) RULES TO IMPLEMENT SECTION.—

24 (1) IN GENERAL.—Not later than January 3,
25 1996, except with respect to the offices listed in sub-

1 section (d)(2), the Board shall pursuant to section
2 204, issue rules necessary to implement the rights
3 and protections under this section.

4 (2) AGENCY REGULATIONS.—The rules promul-
5 gated under paragraph (1) shall be the same as sub-
6 stantive regulations promulgated by the Federal
7 Labor Relations Authority to implement the statu-
8 tory provisions referred to in subsection (a) except
9 to the extent that as the Board may determine, for
10 good cause shown and stated together with the rule,
11 that a different rule would better serve the purposes
12 of such statutory provisions and of this Act.

13 (d) RULEMAKING REGARDING APPLICATION TO CER-
14 TAIN OFFICES AND INSTRUMENTALITIES OF CON-
15 GRESS.—

16 (1) RULES REQUIRED.—Not later than July 1,
17 1996, the Board shall issue rules pursuant to section
18 204 on the manner and extent to which the require-
19 ments and exemptions of chapter 71 of title 5, Unit-
20 ed States Code, should apply to covered employees
21 who are employed in the offices listed in paragraph
22 (2). In issuing such regulations, the Board shall, to
23 the greatest extent practicable, be consistent with
24 the provisions and purposes of chapter 71 of title 5,
25 United States Code, and regulations issued by the

1 Federal Labor Relations Authority under such chap-
2 ter, and the purposes of this Act, and shall also con-
3 sider—

4 (A) the possibility of any conflict of inter-
5 est or appearance of a conflict of interest;

6 (B) national security; and

7 (C) Congress's constitutional responsibil-
8 ities.

9 (2) OFFICES REFERRED TO.—The offices re-
10 ferred to in paragraph (1) are—

11 (A) the personal office of any Member of
12 the House of Representatives or of any Senator;

13 (B) a standing, select, special, permanent,
14 temporary, or other committee of the Senate or
15 House of Representatives, or a joint committee
16 of Congress;

17 (C) the Office of the Vice President (as
18 President of the Senate), the Office of the
19 President pro tempore of the Senate, the Office
20 of the Majority Leader of the Senate, the Office
21 of the Minority Leader of the Senate, the Office
22 of the Majority Whip of the Senate, the Office
23 of the Minority Whip of the Senate, the Con-
24 ference of the Majority of the Senate, the Con-
25 ference of the Minority of the Senate, the Office

1 of the Secretary of the Conference of the Ma-
2 jority of the Senate, the Office of the Secretary
3 of the Conference of the Minority of the Senate,
4 the Office of the Secretary for the Majority of
5 the Senate, the Office of the Secretary for the
6 Minority of the Senate, the Majority Policy
7 Committee of the Senate, the Minority Policy
8 Committee of the Senate, and the following of-
9 fices within the Office of the Secretary of the
10 Senate: Offices of the Parliamentarian, Bill
11 Clerk, Legislative Clerk, Journal Clerk, Execu-
12 tive Clerk, Enrolling Clerk, and Official Re-
13 porter of Debate, Daily Digest, Printing Serv-
14 ices, Captioning Services, and Senate Chief
15 Counsel for Employment.

16 (D) the office of the Speaker of the House
17 of Representatives, the Office of the Majority
18 Leader of the House of Representatives, the Of-
19 fice of the Minority Leader of the House of
20 Representatives, the Offices of the Chief Dep-
21 uty Majority Whips, the Offices of the Chief
22 Deputy Minority Whips and the following of-
23 fices within the Office of the Clerk of the House
24 of Representatives: Offices of Legislative Oper-
25 ations, Official Reporters of Debate, Official

1 Reporters to Committees, Printing Services,
2 and Legislative Information;

3 (E) the Office of the Legislative Counsel of
4 the Senate, the Office of the Senate Legal
5 Counsel, the Office of the Legislative Counsel of
6 the House of Representatives, the Office of the
7 General Counsel of the House of Representa-
8 tives, the Office of the Parliamentarian of the
9 House of Representatives, the Office of the Law
10 Revision Counsel;

11 (F) the offices of any caucus or party or-
12 ganization; and

13 (G) the Congressional Budget Office, the
14 Office of Technology Assessment, and the Of-
15 fice of Congressional Fair Employment Prac-
16 tices.

17 (e) EFFECTIVE DATE.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), subsections (a) and (b) shall be effective
20 on the effective date of the rules issued under sub-
21 section (c), or on July 1, 1996, whichever is earlier.

22 (2) CERTAIN OFFICES.—With respect to the of-
23 fices listed in subsection (d)(2), to the covered em-
24 ployees of such offices, and to representatives of
25 such employees, subsections (a) and (b) shall be ef-

1 fective on the effective date of rules issued under
2 subsection (d) and approved under section
3 204(d)(2).

4 **SEC. 111. APPLICATION OF OTHER LAWS TO CONGRESS.**

5 (a) STUDY AND RECOMMENDATIONS OF BOARD.—On
6 December 31, 1996, and updated every 2 years thereafter,
7 the Board shall issue a report—

8 (1) reviewing whether, and to what degree, pro-
9 visions of Federal law and regulations relating to—

10 (A) the terms and conditions of employ-
11 ment (including hiring, promotion and demo-
12 tion, salary, wages, overtime compensation, ben-
13 efits, work assignments or reassignments, ter-
14 mination, protection from discrimination in per-
15 sonnel actions, health and safety of employees
16 and family and medical leave) of employees, and

17 (B) discrimination in the provision of (in-
18 cluding access to) public services and accom-
19 modations,

20 are applicable or inapplicable to officers and employ-
21 ees within the legislative branch and to users of pub-
22 lic services and accommodations provided the legisla-
23 tive branch, and

24 (2) stating recommendations of the Board as to
25 whether such provisions should be made applicable

1 to the legislative branch or should be otherwise
2 modified.

3 Such recommendations shall be printed in the Congres-
4 sional Record, and such report shall be referred to the
5 committees of the House of Representatives and the Sen-
6 ate with jurisdiction.

7 (b) REPORTS OF CONGRESSIONAL COMMITTEES.—
8 Each report accompanying a bill or joint resolution of a
9 public character reported by a committee of the House of
10 Representatives or the Senate (except the Committee on
11 Appropriations and the Committee on the Budget of either
12 House) shall—

13 (1) describe the manner in which the provisions
14 of the bill or joint resolution that apply to the Con-
15 gress and to congressional instrumentalities; or

16 (2) in the case of a provision not applicable to
17 the Congress and to congressional instrumentalities,
18 include a statement of the reasons the provision does
19 not apply.

20 **SEC. 112. STUDY AND RECOMMENDATIONS REGARDING**
21 **GENERAL ACCOUNTING OFFICE, GOVERN-**
22 **MENT PRINTING OFFICE, AND LIBRARY OF**
23 **CONGRESS.**

24 (a) IN GENERAL.—The Board shall undertake a
25 study of—

1 (1) the application of the laws listed in sub-
2 section (b) to—

3 (A) the General Accounting Office;

4 (B) the Government Printing Office;

5 (C) the Library of Congress; and

6 (D) any other entity in the legislative
7 branch of the Government not covered by all of
8 the sections of this title; and

9 (2) the regulations and procedures used by the
10 instrumentalities and other entities referred to in
11 paragraph (1) to apply and enforce such laws to
12 themselves and their employees.

13 (b) APPLICABLE STATUTES.—The study under this
14 section shall consider the application of the following laws:

15 (1) Title VII of the Civil Rights Act of 1964
16 (42 U.S.C. 2000e et seq.), and related provisions of
17 section 2302 of title 5, United States Code.

18 (2) The Age Discrimination in Employment Act
19 of 1967 (29 U.S.C. 621 et seq.), and related provi-
20 sions of section 2302 of title 5, United States Code.

21 (3) The Americans with Disabilities Act of
22 1990 (42 U.S.C. 12101 et seq.), and related provi-
23 sions of section 2302 of title 5, United States Code.

24 (4) The Family and Medical Leave Act of 1993
25 (29 U.S.C. 2611 et seq.), and related provisions of

1 sections 6381 through 6387 of title 5, United States
2 Code.

3 (5) The Fair Labor Standards Act of 1938 (29
4 U.S.C. 201 et seq.), and related provisions of sec-
5 tions 5541 through 5550a of title 5, United States
6 Code.

7 (6) The Occupational Safety and Health Act of
8 1970 (29 U.S.C. 651 et seq.), and related provisions
9 of section 7902 of title 5, United States Code.

10 (7) The Rehabilitation Act of 1973 (29 U.S.C.
11 501 et seq.).

12 (8) Chapter 71 of title 5, United States Code.

13 (9) The General Accounting Office Personnel
14 Act of 1980 (31 U.S.C. subchapter III of chapter 7).

15 (10) The Employee Polygraph Protection Act of
16 1988 (29 U.S.C. et seq.).

17 (11) The Worker Adjustment and Retraining
18 Notification Act (29 U.S.C. 2101 et seq.).

19 (12) Chapter 43 of title 38, United States Code
20 (relating to veterans' employment and reemploy-
21 ment).

22 (c) CONTENTS OF STUDY AND RECOMMENDA-
23 TIONS.—The study under this section shall evaluate
24 whether the rights, protections, and procedures applicable
25 to the congressional instrumentalities and other entities

1 referred to in subsection (a) and their employees are at
2 least as comprehensive and effective as those required by
3 this title and title III, and shall include recommendations
4 for any improvements in such regulations and procedures
5 and for any legislation.

6 (d) INSPECTION OF FACILITIES.—In preparation of
7 the study under this section, the General Counsel shall
8 inspect the facilities of the congressional instrumentalities
9 and other entities referred to in subsection (a) to deter-
10 mine the extent of compliance with the requirements re-
11 ferred to in paragraphs (3), (6), and (7) of subsection (b).
12 The study shall describe the results of the inspection, in-
13 cluding any steps necessary to correct any violations of
14 these requirements, and assessing any risks to employee
15 health and safety or any limitations in accessibility to and
16 usability by individuals with disabilities associated with
17 each violation, and the estimated cost and time needed for
18 abatement. The Secretary of Labor, the Attorney General,
19 the Secretary of Transportation, and the Architectural
20 and Transportation Barriers Compliance Board may, on
21 request of the Office, detail to the Office such personnel
22 as may be necessary to advise and assist the Office in car-
23 rying out its duties under this section.

24 (e) DEADLINE AND DELIVERY OF STUDY.—Not later
25 than July 1, 1996, the Board shall prepare and complete

1 the study and recommendations required under this sec-
 2 tion and shall submit the study and recommendations to
 3 the head of each instrumentality or other entity considered
 4 by the study, and to the Speaker of the House of Rep-
 5 resentatives and President pro tempore of the Senate for
 6 referral to the appropriate committees of the House of
 7 Representatives and of the Senate.

8 **TITLE II—OFFICE OF CONGRES-**
 9 **SIONAL FAIR EMPLOYMENT**
 10 **PRACTICES—ESTABLISH-**
 11 **MENT AND OPERATIONS**

12 **SEC. 201. ESTABLISHMENT OF OFFICE OF CONGRESSIONAL**
 13 **FAIR EMPLOYMENT PRACTICES.**

14 There is hereby established, as an independent office
 15 within the legislative branch of the Government, the Office
 16 of Congressional Fair Employment Practices.

17 **SEC. 202. BOARD OF DIRECTORS.**

18 (a) IN GENERAL.—There shall be a Board of Direc-
 19 tors of the Office (the “Board”), to be composed of 5
 20 members.

21 (b) APPOINTMENT.—

22 (1) TWO MEMBERS BY LEADERS OF HOUSE OF
 23 REPRESENTATIVES.—The Speaker of the House of
 24 Representatives shall appoint two members, of
 25 whom—

1 (A) one shall be appointed in accordance
2 with the recommendation of the Majority Lead-
3 er in consultation with the Minority Leader;
4 and

5 (B) one shall be appointed in accordance
6 with the recommendation of the Minority Lead-
7 er in consultation with the Majority Leader.

8 (2) TWO MEMBERS BY LEADERS OF SENATE.—
9 The President pro tempore of the Senate shall ap-
10 point two members, of whom—

11 (A) one shall be appointed in accordance
12 with the recommendation of the Majority Lead-
13 er in consultation with the Minority Leader;
14 and

15 (B) one shall be appointed in accordance
16 with the recommendation of the Minority Lead-
17 er in consultation with the Majority Leader.

18 (3) CHAIR.—The Chair shall be appointed
19 jointly by the Speaker of the House of Representa-
20 tives and the President pro tempore of the Senate
21 from among candidates jointly recommended by the
22 Majority Leaders and the Minority Leaders of the
23 House of Representatives and the Senate.

24 (c) QUALIFICATIONS.—

1 (1) IN GENERAL.—Selection and appointment
2 of members shall be without regard to political affili-
3 ation and solely on the basis of fitness to perform
4 the duties of the office.

5 (2) SPECIFIC QUALIFICATIONS.—Members shall
6 have training or experience in the application of the
7 rights, protections, and remedies under one or more
8 of the statutes made applicable by sections 101
9 through 107.

10 (3) DISQUALIFICATIONS.—No individual shall
11 be eligible to serve on the Board who—

12 (A) is a current or former Member of the
13 House of Representatives or a Senator;

14 (B) is, or has been within the 2 years prior
15 to appointment—

16 (i) an elected or appointed officer of
17 the House of Representatives or the Sen-
18 ate;

19 (ii) head of a congressional instru-
20 mentality referred to in subparagraphs (C)
21 through (F) of section 3(1) or paragraph
22 (1), (2), or (3) of section 110(a); or

23 (iii) a covered employee or otherwise
24 an employee of an instrumentality or other
25 entity of the legislative branch; or

1 (C) during the period of service engages in,
2 or is otherwise employed in, lobbying of the
3 Congress and who is required under the Fed-
4 eral Regulation of Lobbying Act to register with
5 the Clerk of the House of Representatives or
6 the Secretary of the Senate.

7 (d) TIME FOR ORIGINAL BOARD APPOINTMENTS.—
8 All members shall be appointed to the Board pursuant to
9 subsection (b) not later than 120 days after the date of
10 enactment of this Act.

11 (e) APPOINTMENTS TO FILL VACANCIES ON THE
12 BOARD.—Any vacancy in the membership of the Board
13 shall be filled in the same manner as the original appoint-
14 ment for the vacant position.

15 (f) TERMS OF OFFICE FOR BOARD MEMBERS.—

16 (1) IN GENERAL.—Except as provided in para-
17 graphs (2) and (3), the term of appointment of each
18 member of the Board shall be 6 years. No member
19 shall be appointed to more than 2 consecutive 6-year
20 terms of office.

21 (2) TERMS OF OFFICE FOR ORIGINAL BOARD
22 APPOINTMENTS.—

23 (A) TWO MEMBERS THROUGH JANUARY 3,
24 1998.—The terms of the members originally ap-

1 pointed pursuant to subsection (b)(1) shall ter-
2 minate at noon on January 3, 1998.

3 (B) TWO MEMBERS THROUGH JANUARY 3,
4 2000.—The terms of the members originally ap-
5 pointed pursuant to subsection (b)(2) shall ter-
6 minate at noon on January 3, 2000.

7 (C) ONE MEMBER THROUGH JANUARY 3,
8 2002.—The term of the Chair originally ap-
9 pointed shall terminate at noon on January 3,
10 2002.

11 (3) TERMS OF OFFICE FOR MID-TERM APPOINT-
12 MENTS TO THE BOARD.—An individual appointed to
13 fill a vacancy occurring before the expiration of a
14 term of office shall be appointed for the remainder
15 of the term. However, if the unexpired part of a
16 term is less than one year, the individual may be ap-
17 pointed for a 6-year term plus the unexpired part of
18 the term.

19 (4) SERVICE AFTER EXPIRATION OF TERM.—A
20 member may continue to serve after the expiration
21 of his or her term until his successor has taken of-
22 fice, except that he or she may not continue to serve
23 for more than 1 year after the date on which his or
24 her term expired.

25 (g) REMOVAL OF BOARD MEMBERS.—

1 (1) IN GENERAL.—The Speaker of the House of
2 Representatives and the President pro tempore of
3 the Senate, acting in accordance with the rec-
4 ommendation of any 3 of the 4 Majority Leaders
5 and Minority Leaders of the two Houses of Con-
6 gress, may remove any member from the Board but
7 only for—

8 (A) disability that substantially prevents
9 the member from carrying out the duties of
10 such a member;

11 (B) incompetence;

12 (C) neglect of duty;

13 (D) malfeasance in office;

14 (E) a felony or conduct involving moral
15 turpitude; or

16 (F) holding an office or employment or en-
17 gaging in an activity that disqualifies the indi-
18 vidual from service as a member of the Board
19 under subsection (c)(3).

20 (2) STATEMENT OF REASONS FOR REMOVAL.—

21 In removing any member from the Board, the
22 Speaker of the House of Representatives and the
23 President pro tempore of the Senate shall state in
24 writing to the member being removed the specific
25 reasons for the removal.

1 (h) RESPONSIBILITIES OF CHAIR; ACTING CHAIR.—

2 The Chair shall preside at all sessions of the Board and
3 shall fulfill the responsibilities of the Chair as specifically
4 provided in this Act. The Chair may designate any other
5 member as Acting Chair. During any period when the po-
6 sition of the Chair is vacant, the other members shall, by
7 majority vote, designate any member as Acting Chair. The
8 Acting Chair may act in the place and stead of the Chair
9 during his or her absence or when the position of the Chair
10 is vacant.

11 (i) MEETINGS.—The Board shall meet at least once
12 annually.

13 (j) QUORUM; ACTION BY MAJORITY VOTE.—A
14 quorum for the transaction of business shall consist of at
15 least 3 members present. Each member, including the
16 Chair, shall have one vote. Actions of the Board shall be
17 determined by a majority vote of the members present.
18 Any vacancy shall not affect the power of the remaining
19 members to fulfill the duties of the Board, provided that
20 a quorum is present. Nothing in this subsection shall pro-
21 hibit the Board from delegating the authority of the Board
22 to make an interlocutory decision to one or more of the
23 members of the Board.

24 (k) COMPENSATION OF MEMBERS.—Each member of
25 the Board other than the Chair shall be compensated at

1 a rate equal to the daily equivalent of the annual rate of
2 basic pay prescribed for level V of the Executive Schedule
3 under section 5316 of title 5, United States Code, for each
4 day (including travel time) during which such member is
5 engaged in the performance of the duties of the Board.
6 The rate of pay may be prorated based on the portion
7 of the day during which the member is engaged in the
8 performance of Board duties. The Chair shall be com-
9 pensated in the same manner at a rate equal to the daily
10 equivalent of the annual rate of basic pay prescribed for
11 level IV of the Executive Schedule under section 5315 of
12 title 5, United States Code.

13 (l) TRAVEL EXPENSES.—Each member of the Board
14 of Directors shall receive travel expenses, including per
15 diem in lieu of subsistence, at rates authorized for employ-
16 ees of agencies under subchapter I of chapter 57 of title
17 5, United States Code, for each day the member is en-
18 gaged in the performance of duties away from the home
19 or regular place of business of the member.

20 (m) CONGRESSIONAL OVERSIGHT.—The Board and
21 the Office shall be subject to oversight by the Committee
22 on Rules and Administration and Committee on Govern-
23 mental Affairs of the Senate and the Committee on House
24 Administration of the House of Representatives. The
25 Speaker of the House of Representatives and the Presi-

1 dent pro tempore of the Senate shall promptly refer to
2 such committees copies of all general notices of proposed
3 rulemaking and final rules submitted under section
4 204(d)(1) and any resolutions introduced with respect to
5 approval of such rules.

6 **SEC. 203. OFFICERS, STAFF, AND OTHER PERSONNEL.**

7 (a) DIRECTOR.—

8 (1) IN GENERAL.—

9 (A) IN GENERAL.—The Chair, subject to
10 the approval of the Board, shall appoint and
11 may remove a Director. Selection and appoint-
12 ment of the Director shall be without regard to
13 political affiliation and solely on the basis of fit-
14 ness to perform the duties of the office.

15 (B) DISQUALIFICATION.—No person de-
16 scribed in section 202(c)(3), other than a mem-
17 ber, officer, or employee of an office of fair em-
18 ployment practices or a personnel appeals
19 board, may be appointed Director.

20 (2) COMPENSATION.—The Chair may fix the
21 compensation of the Director. The rate of pay for
22 the Director may not exceed the annual rate of basic
23 pay prescribed for level V of the Executive Schedule
24 under section 5316 of title 5, United States Code.

1 (3) DUTIES.—The Director shall serve as the
2 chief operating officer of the Office. Except as other-
3 wise specified in this Act, the Director shall carry
4 out all of the responsibilities of the Office under this
5 Act.

6 (b) DEPUTY DIRECTORS.—

7 (1) IN GENERAL.—The Chair, subject to the
8 approval of the Board, shall appoint and may re-
9 move a Deputy Director for the Senate and a Dep-
10 udy Director for the House of Representatives. Selec-
11 tion and appointment of a Deputy Director shall be
12 without regard to political affiliation and solely on
13 the basis of fitness to perform the duties of the of-
14 fice. The disqualifications in subsection (a)(1)(B)
15 shall apply to the appointment of a Deputy Director.

16 (2) COMPENSATION.—The Chair may fix the
17 compensation of a Deputy Director. The rate of pay
18 for a Deputy Director may not exceed 96 percent of
19 the annual rate of basic pay prescribed for level V
20 of the Executive Schedule under section 5316 of title
21 5, United States Code.

22 (3) DUTIES.—The Deputy Director for the Sen-
23 ate shall be responsible for the development of rules
24 under section 204(b)(2)(B)(i), and shall assume
25 such other responsibilities as may be delegated by

1 the Director. The Deputy Director for the House of
2 Representatives shall be responsible for the develop-
3 ment of rules under section 204(b)(2)(B)(ii), and
4 shall assume such other responsibilities as may be
5 delegated by the Director.

6 (c) GENERAL COUNSEL.—

7 (1) IN GENERAL.—The Chair, subject to the
8 approval of the Board, shall appoint and may re-
9 move a General Counsel. Selection and appointment
10 of the General Counsel shall be without regard to
11 political affiliation and solely on the basis of fitness
12 to perform the duties of the Office. The disqualifica-
13 tions in subsection (a)(1)(B) shall apply to the ap-
14 pointment of a General Counsel.

15 (2) COMPENSATION.—The Chair may fix the
16 compensation of the General Counsel. The rate of
17 pay for the General Counsel may not exceed the an-
18 nual rate of basic pay prescribed for level V of the
19 Executive Schedule under section 5316 of title 5,
20 United States Code.

21 (3) DUTIES.—The General Counsel shall—

22 (A) exercise the authorities and perform
23 the duties of the General Counsel as specified
24 in this Act; and

1 (B) otherwise assist the Board and the Di-
2 rector in carrying out their duties and powers.

3 (4) ATTORNEYS IN THE OFFICE OF THE GEN-
4 ERAL COUNSEL.—The General Counsel shall ap-
5 point, and fix the compensation of, and may remove,
6 such additional attorneys as may be necessary to en-
7 able the General Counsel to perform his or her du-
8 ties.

9 (d) OTHER STAFF.—The Director shall appoint, and
10 fix the compensation of, and may remove, such other addi-
11 tional staff, including hearing officers, but not including
12 attorneys employed in the office of the General Counsel,
13 as may be necessary to enable the Office to perform its
14 duties.

15 (e) DETAILED PERSONNEL.—The Director may, with
16 the prior consent of the Government department or agency
17 concerned, use on a reimbursable or nonreimbursable
18 basis the services of personnel of any such department or
19 agency, including the services of members or personnel of
20 the General Accounting Office Personnel Appeals Board.

21 (f) CONSULTANTS.—In carrying out the functions of
22 the Office, the Director may procure the temporary (not
23 to exceed 1 year) or intermittent services of consultants.

24 **SEC. 204. RULEMAKING BY THE OFFICE.**

25 (a) RULES OF THE OFFICE.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the appointment of a quorum of the Board, the
3 Board shall issue final rules of organization, proce-
4 dures, and practice (within the meaning of section
5 553(b)(A) of title 5, United States Code), including
6 rules on the procedures of the Board and rules of
7 procedure and practice for proceedings before hear-
8 ing officers and before the Board. Such rules may
9 also specify authorities and duties of the Director,
10 the General Counsel, and other personnel of the Of-
11 fice, consistent with the authorities and duties
12 granted and imposed under this Act.

13 (2) RULEMAKING PROCEDURE.—Rules under
14 this subsection—

15 (A) shall be issued in accordance with sub-
16 section (c); and

17 (B) shall become effective immediately
18 upon approval under paragraph (3), except for
19 rules of procedure and practice for proceedings
20 before hearing officers and before the Board,
21 which shall become effective 60 days after such
22 approval.

23 (3) APPROVAL.—Rules under this subsection
24 shall be subject to approval by Congress by concur-
25 rent resolution, pursuant to subsection (d).

1 (b) RULES OTHER THAN RULES OF THE OFFICE.—

2 (1) IN GENERAL.—The Board shall adopt such
3 rules other than rules of the Office issued under
4 subsection (a) as the Board may determine are nec-
5 essary.

6 (2) RULEMAKING PROCEDURE.—Rules under
7 this subsection—

8 (A) shall be issued in accordance with sub-
9 section (c);

10 (B) shall consist of three separate bodies
11 of rules, which shall apply, respectively, to—

12 (i) the Senate and employees of the
13 Senate other than employees referred to in
14 clause (iii);

15 (ii) the House of Representatives and
16 employees of the House of Representatives
17 other than employees referred to in clause
18 (iii); and

19 (iii) the Architect of the Capitol, the
20 Congressional Budget Office, the Office of
21 Technology Assessment, the Office, and
22 employees of these congressional instru-
23 mentalities; the Capitol Police and mem-
24 bers of the Capitol Police; and other work
25 units and members of other work units

1 (other than joint committees of the Con-
2 gress) that include employees of the Senate
3 and of the House of Representatives under
4 the same management; and

5 (C) shall become effective not less than 60
6 days after the rules are approved under para-
7 graph (3), except as may be otherwise provided
8 by the Board for good cause found (within the
9 meaning of section 553(d)(3) of title 5, United
10 States Code) and published with the rule.

11 (3) APPROVAL.—Rules referred to in paragraph
12 (2)(B)(i) may be approved by the Senate by resolu-
13 tion or by the Congress by joint resolution or stat-
14 ute. Rules referred to in paragraph (2)(B)(ii) may
15 be approved by the House of Representatives by res-
16 olution or by the Congress by joint resolution or
17 statute. Rules referred to in paragraph (2)(B)(iii)
18 may be approved by Congress by concurrent resolu-
19 tion or by joint resolution or statute. Rules approved
20 by joint resolutions or statute shall have the force
21 and effect of law. Approval referred to in this para-
22 graph shall be pursuant to subsection (d).

23 (c) PUBLICATION AND ISSUANCE.—

24 (1) RULEMAKING PROCEDURE.—The Board
25 shall issue rules described in subsections (a) and (b)

1 in accordance with the principles and procedures set
2 forth in section 553 of title 5, United States Code.
3 The Board shall publish a general notice of proposed
4 rulemaking under section 553(b) of title 5, United
5 States Code, but, instead of publication of a general
6 notice of proposed rulemaking in the Federal Reg-
7 ister, the Board shall transmit such notice to the
8 Speaker of the House of Representatives and the
9 President pro tempore of the Senate for publication
10 in the Congressional Record on the first day on
11 which both Houses are in session following such
12 transmittal. Prior to issuing rules, the Board shall
13 provide a comment period of at least 30 days after
14 publication of a general notice of proposed rule-
15 making. Upon issuing final rules, the Board shall
16 transmit notice of such action together with a copy
17 of such rules to the Speaker of the House of Rep-
18 resentatives and the President pro tempore of the
19 Senate for publication in the Congressional Record
20 on the first day on which both Houses are in session
21 following such transmittal. Rules shall be considered
22 issued by the Board as of the date on which they are
23 published in the Congressional Record.

24 (2) RECOMMENDATION AS TO METHOD OF AP-
25 PROVAL.—The Board shall include a recommenda-

1 tion in the general notice of proposed rulemaking
2 and in the final rules as to whether the rules should
3 be approved by resolution of the Senate, by resolu-
4 tion of the House of Representatives, by concurrent
5 resolution, by joint resolution, or by statute.

6 (d) APPROVAL OF RULES.—

7 (1) ONE-HOUSE RESOLUTION OR CONCURRENT
8 RESOLUTION.—In the case of a concurrent resolu-
9 tion referred to in subsection (a)(3), or a resolution
10 of the House of Representatives, a resolution of the
11 Senate, or a concurrent resolution referred to in sub-
12 section (b)(3), the matter after the resolving clause
13 shall be the following: “The following rules issued by
14 the Office of Congressional Fair Employment Prac-
15 tices on ____ are hereby approved:” (the blank
16 spaces being appropriately filled in, and the text of
17 the rules being set forth).

18 (2) JOINT RESOLUTION OR STATUTE.—In the
19 case of a joint resolution referred to in subsection
20 (b)(3), the matter after the resolving clause shall be
21 the following, and, in the case of a statute referred
22 to in subsection (b)(3), the matter after the enacting
23 clause shall include the following: “The following
24 rules issued by the Office of Congressional Fair Em-
25 ployment Practices on ____ are hereby approved and

1 shall have the force and effect of law:” (the blank
2 spaces being appropriately filled in, and the text of
3 the rules being set forth).

4 (e) REFERRAL.—Upon receipt of a notice of issuance
5 of final rules under subsection (c), the Speaker of the
6 House of Representatives and the President pro tempore
7 of the Senate shall refer such notice, together with a copy
8 of such rules, to the appropriate committee or committees
9 of the House of Representatives and of the Senate. The
10 purpose of the referral shall be to consider whether such
11 rules should be approved, and, if so, whether such ap-
12 proval should be by resolution of the House of Representa-
13 tives or of the Senate, by concurrent resolution, by joint
14 resolution, or by statute.

15 (f) JOINT REFERRAL AND DISCHARGE IN THE SEN-
16 ATE.—The President pro tempore of the Senate may refer
17 the notice of issuance of final rules, or any resolution of
18 approval of final rules, to one committee or jointly to more
19 than one committee. If a committee of the Senate acts
20 to report a jointly referred measure, any other committee
21 of the Senate must act within 30 calendar days of continu-
22 ous session, or be automatically discharged.

23 (g) AMENDMENT OF RULES.—Rules may be amended
24 in the same manner as is described in this section for the
25 adoption of rules, except that the Board may, in its discre-

1 tion, dispense with publication of a general notice of pro-
2 posed rulemaking of minor, technical, or urgent amend-
3 ments that satisfy the criteria for dispensing with publica-
4 tion of such notice pursuant to section 553(b)(3)(B) of
5 title 5, United States Code.

6 (h) RIGHT TO PETITION FOR RULEMAKING.—Any
7 interested party may petition to the Board for the issu-
8 ance, amendment, or repeal of a rule.

9 (i) APPLICATION OF EXECUTIVE AGENCY REGULA-
10 TIONS BY REFERENCE.—The Board may, by specific ref-
11 erence in rules issued under this section, apply regulations
12 issued by any Executive agency (within the meaning of
13 section 105 of title 5, United States Code).

14 (j) CONSULTATION.—The Director and the Board—

15 (1) shall consult, with regard to the develop-
16 ment and issuance of rules, with—

17 (A) the Chairman of the Administrative
18 Conference of the United States;

19 (B) the Secretary of Labor;

20 (C) the Federal Labor Relations Authority;

21 and

22 (D) the Director of the Office of Personnel
23 Management; and

1 (2) may consult with any other persons with
2 whom consultation, in the opinion of the Board or
3 the Director, may be helpful.

4 **SEC. 205. INFORMATION PROGRAM.**

5 The Board shall conduct an information program to
6 inform Members of the House of Representatives, Sen-
7 ators, elected officers of either House, heads of employing
8 offices, and covered employees about the provisions made
9 applicable to them under this Act.

10 **SEC. 206. DATA COLLECTION AND REPORT.**

11 The Director shall compile and annually publish sta-
12 tistics with respect to contacts and complaints filed with
13 the Office under this Act. Such statistics shall include the
14 total numbers of contacts and complaints, and a break-
15 down regarding—

16 (1) the kinds of allegations made in contacts
17 with the Office and complaints filed with the Office;

18 (2) the time required by the Office to conduct
19 proceedings and resolve various types of matters;

20 (3) the number of complaints resolved by settle-
21 ment, by decision under section 303, or by with-
22 drawal of the complaint; and

23 (4) for each category of allegation, the amounts
24 of monetary compensation granted in settlements
25 and awards.

1 **SEC. 207. EXPENSES OF THE OFFICE.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Begin-
3 ning in fiscal year 1995, and for each fiscal year there-
4 after, there are authorized to be appropriated for the ex-
5 penses of the Office such sums as may be necessary to
6 carry out the functions of the Office. Until sums are first
7 appropriated pursuant to the preceding sentence, but for
8 a period not exceeding 12 months following the date of
9 enactment of this Act, the expenses of the Office shall be
10 paid from the contingent fund of the Senate, of which 50
11 percent shall be reimbursed from the contingent fund of
12 the House, upon vouchers approved by the Director.

13 (b) WITNESS FEES AND ALLOWANCES.—Except for
14 covered employees, witnesses before a hearing officer or
15 the Board in any proceeding under title I other than rule-
16 making shall be paid the same fee and mileage allowances
17 as are paid subpoenaed witnesses in the courts of the
18 United States. Covered employees who are summoned, or
19 are assigned by their employer, to testify in their official
20 capacity or to produce official records before a mediator,
21 hearing officer, or the Board in any proceeding under this
22 Act shall be entitled to travel expenses under subchapter
23 I and section 5751 of chapter 57 of title 5, United States
24 Code.

1 **TITLE III—ADMINISTRATIVE**
2 **AND JUDICIAL**
3 **DISPUTE-RESOLUTION**
4 **PROCEDURES**

5 **SEC. 301. COUNSELING.**

6 (a) INITIATION.—Any employee referred to in section
7 107(1) may, within the time specified in section 307, re-
8 quest counseling.

9 (b) PURPOSE.—The Office shall provide the employee
10 with all relevant information with respect to the rights and
11 remedies as provided under this Act and shall provide an
12 opportunity for discussion, evaluation, and guidance to as-
13 sist the employee in evaluating and resolving the matter.

14 (c) PERIOD OF COUNSELING.—The period for coun-
15 seling shall begin on the date on which the request for
16 counseling is received and shall be 30 days unless the em-
17 ployee and the Office agree to reduce the period.

18 (d) NOTIFICATION OF END OF COUNSELING PE-
19 RIOD.—The Office shall notify the employee in writing
20 when the counseling period has ended.

21 (e) EMPLOYEES OF THE ARCHITECT OF THE CAP-
22 ITOL AND CAPITOL POLICE.—In the case of an employee
23 of the Architect of the Capitol or an employee who is a
24 member of the Capitol Police, the Director may refer the
25 employee to the Architect of the Capitol or the Capitol

1 Police Board for resolution of the employee's grievance
2 through internal grievance procedures of the Architect of
3 the Capitol or the Capitol Police Board for a specific pe-
4 riod of time, which shall not count against the time avail-
5 able for counseling or mediation under this Act.

6 **SEC. 302. MEDIATION.**

7 (a) APPLICABILITY.—Except as otherwise expressly
8 provided in this Act, the provisions of this section shall
9 govern all mediation conducted by the Office pursuant to
10 this Act.

11 (b) INITIATION.—Not later than 15 days after the
12 Office notifies an employee of the end of the counseling
13 period under section 301(d), the employee may file a re-
14 quest for mediation with the Office. Mediation may also
15 be initiated pursuant to sections 108(d)(2) and 109(c)(5).

16 (c) MEDIATION PROCESS.—The Director shall speci-
17 fy one or more individuals to mediate any dispute. In iden-
18 tifying individuals to mediate, the Director shall consider
19 individuals who are recommended to the Director by the
20 Federal Mediation and Conciliation Service, the Adminis-
21 trative Conference of the United States, or other appro-
22 priate organizations.

23 (d) MEDIATION PERIOD.—

1 (1) IN GENERAL.—The mediation period shall
2 be 30 days, beginning on the date the request for
3 mediation is received by the Office.

4 (2) EXTENSION.—The mediation period may be
5 extended for additional periods at the joint request
6 of the employee and the employing office.

7 (e) NOTIFICATION OF END OF MEDIATION PE-
8 RIOD.—The Office shall notify the employee and the head
9 of the employing office in writing when the mediation pe-
10 riod has ended.

11 (f) INDEPENDENCE OF MEDIATION PROCESS.—No
12 individual appointed by the Director to mediate or to be
13 a factfinder in aid of the mediator may conduct or aid
14 in the hearing conducted under section 303 with respect
15 to the same matter or shall be subject to subpoena or any
16 other compulsory process with respect to the same matter.

17 **SEC. 303. COMPLAINT AND HEARING.**

18 (a) APPLICABILITY.—Except as otherwise expressly
19 provided in this Act, the provisions of this section shall
20 govern all hearings conducted by a hearing officer pursu-
21 ant to this Act.

22 (b) COMPLAINT.—Any complaint shall be filed with
23 the Office against the employing office. Any complaint re-
24 quired by this Act to be preceded by counseling and medi-
25 ation may not be filed unless the employee has made a

1 timely request for counseling and has completed the proce-
2 dures set forth in sections 301 and 302.

3 (c) HEARING OFFICER.—Upon the filing of a com-
4 plaint, the Director shall appoint an independent hearing
5 officer to consider the complaint and render a decision.
6 No Member of the House of Representatives, Senator, of-
7 ficer of either the House of Representatives or the Senate,
8 head of an employing office, member of the Board, or cov-
9 ered employee may be appointed to be a hearing officer
10 under this Act. The Director shall develop master lists,
11 composed of members of the bar of a State or the District
12 of Columbia and retired judges of the United States
13 courts, experienced in adjudicating and arbitrating the
14 kinds of personnel and other matters for which hearings
15 may be held under this Act, and individuals expert in tech-
16 nical matters relating to accessibility and usability by per-
17 sons with disabilities or technical matters relating to occu-
18 pational safety and health, after considering candidates
19 recommended to the Director by the Federal Mediation
20 and Conciliation Service, the Administrative Conference of
21 the United States, or organizations composed primarily of
22 individuals experienced in adjudicating or arbitrating such
23 matters. The Director shall select hearing officers on a
24 rotational or random basis from these lists. Nothing in
25 this section shall prevent the appointment of hearing offi-

1 cers as full-time employees of the Office, or the selection
2 of hearing officers on the basis of specialized expertise
3 needed for particular matters.

4 (d) HEARING.—Unless a complaint is dismissed prior
5 to hearing, a hearing shall be conducted—

6 (1) on the record by the hearing officer;

7 (2) as expeditiously as practical, commencing
8 not later than 90 days after the filing of the com-
9 plaint; and

10 (3) except as specifically provided in this Act
11 and to the greatest extent practicable, in accordance
12 with the principles and procedures set forth in sec-
13 tions 554 through 557 of title 5, United States
14 Code.

15 (e) DISCOVERY.—Reasonable prehearing discovery
16 may be permitted at the discretion of the hearing officer.

17 (f) SUBPOENAS.—

18 (1) IN GENERAL.—At the request of a party, a
19 hearing officer may issue subpoenas for the attend-
20 ance of witnesses and for the production of cor-
21 respondence, books, papers, documents, and other
22 records. The attendance of witnesses and the pro-
23 duction of records may be required from any place
24 within the United States. Subpoenas shall be served

1 in the manner provided under rule 45(b) of the Fed-
2 eral Rules of Civil Procedure.

3 (2) OBJECTIONS.—If a person refuses, on the
4 basis of relevance, privilege, or other objection, to
5 testify in response to a question or to produce
6 records in connection with a proceeding before a
7 hearing officer, the hearing officer shall rule on the
8 objection. At the request of the witness or any party,
9 the hearing officer shall (or on the hearing officer’s
10 own initiative, the hearing officer may) refer the rul-
11 ing to the Board for review.

12 (3) ENFORCEMENT.—

13 (A) IN GENERAL.—If a person fails to
14 comply with a subpoena, the Board may au-
15 thorize the General Counsel to apply to an ap-
16 propriate United States district court for an
17 order requiring that person to appear before the
18 hearing officer to give testimony or produce
19 records. The application may be made within
20 the judicial district where the hearing is con-
21 ducted or where that person is found, resides,
22 or transacts business. Any failure to obey a
23 lawful order of the district court issued pursu-
24 ant to this section may be held by such court
25 to be a civil contempt thereof.

1 (B) SERVICE OF PROCESS.—Process in an
2 action or contempt proceeding pursuant to sub-
3 paragraph (A) may be served in any judicial
4 district in which the person refusing or failing
5 to comply, or threatening to refuse or not to
6 comply, resides, transacts business, or may be
7 found, and subpoenas for witnesses who are re-
8 quired to attend such proceedings may run into
9 any other district.

10 (g) DECISION.—The hearing officer shall issue a
11 written decision as expeditiously as possible, but in no case
12 more than 60 days after the conclusion of the hearing.
13 The written decision shall be transmitted by the Office to
14 the parties. The decision shall state the issues raised in
15 the complaint, describe the evidence in the record, contain
16 findings of fact and conclusions of law, contain a deter-
17 mination of whether a violation has occurred, and order
18 such remedies as are appropriate pursuant to title I. The
19 decision shall be entered in the records of the Office as
20 a final decision of the hearing officer.

21 (h) PRECEDENTS.—A hearing officer who conducts
22 a hearing under this section shall be guided by judicial
23 decisions under the statutes made applicable by title I and
24 by Board decisions under this Act.

1 **SEC. 304. APPEAL TO THE BOARD.**

2 (a) IN GENERAL.—In any case in which a final deci-
3 sion by a hearing officer is subject to review by the Board,
4 the party seeking such review shall file a petition for re-
5 view not later than 30 days after notice of the entry of
6 the decision in the records of the Office under section
7 303(g).

8 (b) PARTIES' OPPORTUNITY TO SUBMIT ARGU-
9 MENT.—The parties shall have a reasonable opportunity
10 to be heard, through written submission and, in the discre-
11 tion of the Board, through oral argument.

12 (c) STANDARD OF REVIEW.—The Board shall set
13 aside a decision of a hearing officer if the Board deter-
14 mines that the decision was—

15 (1) arbitrary, capricious, an abuse of discretion,
16 or otherwise not consistent with law;

17 (2) not made consistent with required proce-
18 dures; or

19 (3) unsupported by substantial evidence.

20 (d) RECORD.—In making determinations under sub-
21 section (c), the Board shall review the whole record, or
22 those parts of it cited by a party, and due account shall
23 be taken of the rule of prejudicial error. The record on
24 review shall include the record before the hearing officer
25 and the decision of the hearing officer.

1 (e) DECISION.—The Board shall issue a written deci-
2 sion setting forth the reasons for its decision. The decision
3 may affirm, reverse, or remand to the hearing officer for
4 further proceedings. A decision that does not require fur-
5 ther proceedings before a hearing officer shall be entered
6 in the records of the Office as a final decision.

7 **SEC. 305. JUDICIAL REVIEW OF A FINAL DECISION AND EN-**
8 **FORCEMENT.**

9 (a) JURISDICTION.—

10 (1) JUDICIAL REVIEW.—This section applies to
11 petitions under section 107(5), 108(d)(4), 109(c)(5),
12 109(c)(6), or 110(b)(4) for judicial review of a final
13 decision of the Board in the United States Court of
14 Appeals for the Federal Circuit, which shall have ex-
15 clusive jurisdiction to set aside, suspend (in whole or
16 in part), to determine the validity of, or otherwise
17 review the decision of the Board.

18 (2) ENFORCEMENT.—The Court of Appeals for
19 The Federal Circuit shall have jurisdiction over any
20 petition of the General Counsel, filed in the name of
21 the Office and at the direction of the Board, to en-
22 force a final decision under section 303 or 304 with
23 respect to a violation of sections 101 through 111.

24 (b) PROCEDURES.—

1 (1) PETITION.—The petition for review shall be
2 filed, pursuant to Rule 15 of the Federal Rules of
3 Appellate Procedure, not later than 90 days after
4 the entry in the Office of a final decision under sec-
5 tion 304(e). Such petition shall be subject to Rules
6 15 through 20 of the Federal Rules of Appellate
7 Procedure, relating to review of administrative or-
8 ders and the Office shall be the “agency” as that
9 term is used in such rules. The petitioner shall at-
10 tach to the petition as an exhibit a copy of the final
11 decision of the Office entered under section 304(e).

12 (2) RESPONDENTS.—In any appeal under this
13 section, any party before the Board may be named
14 respondent by filing a notice of election with the
15 Court within 30 days after the petition was served,
16 and the Office shall also be named respondent.

17 (3) INTERVENTION.—In any action under this
18 section with respect to an employing office or other
19 office of the Senate or a joint committee of the Con-
20 gress, the Senate shall be entitled to intervene as of
21 right; and, in any action under this section with re-
22 spect to an employing office or other office of the
23 House of Representatives or a joint committee of the
24 Congress, the House of Representatives shall be en-
25 titled to intervene as of right. Any party that par-

1 anticipated in the proceedings before the Board and
2 that was not made respondent may intervene as of
3 right.

4 (c) STANDARD OF REVIEW.—To the extent necessary
5 to decision and when presented, the court shall decide all
6 relevant questions of law and interpret constitutional and
7 statutory provisions. The court shall set aside a final deci-
8 sion of the Board under section 304 if it determines that
9 the decision was—

10 (1) arbitrary, capricious, an abuse of discretion,
11 or otherwise not consistent with law;

12 (2) not made consistent with required proce-
13 dures; or

14 (3) unsupported by substantial evidence.

15 (d) RECORD.—In making determinations under sub-
16 section (d), the court shall review the whole record, or
17 those parts of it cited by a party, and due account shall
18 be taken of the rule of prejudicial error. The record on
19 review shall include the record before the Board and the
20 decision of the Board.

21 **SEC. 306. CIVIL ACTIONS.**

22 (a) IN GENERAL.—This section governs all civil ac-
23 tions commenced pursuant to section 107(3)(B).

1 (b) PARTIES.—In any such action the defendant shall
2 be the employing office alleged to have committed the vio-
3 lation.

4 (c) JURY TRIAL.—Any party may demand a jury trial
5 where a jury trial would be available in an action against
6 a private defendant under the relevant statute made appli-
7 cable by this Act. In any case in which a violation of sec-
8 tion 101 is alleged, the court shall not inform the jury
9 of the maximum amount of compensatory damages avail-
10 able under section 101(b)(1).

11 (d) INTERVENTION OF RIGHT.—In any action under
12 this section with respect to an employing office or other
13 office of the Senate, the Senate shall be entitled to inter-
14 vene as of right; and, in any action under this section with
15 respect to an employing office or other office of the House
16 of Representatives, the House of Representatives shall be
17 entitled as of right.

18 **SEC. 307. TIME LIMITATIONS.**

19 (a) COUNSELING REQUESTS.—A request for counsel-
20 ing shall be made not later than—

21 (1) 180 days after the date of the alleged viola-
22 tion under provisions of sections 101, 103, 104, 105,
23 or 106 for which the counseling is requested; or

24 (2) 2 years after the date of the alleged viola-
25 tion under section 102 for which the counseling is

1 requested, or 3 years after an alleged willful viola-
2 tion under section 102.

3 (b) CHARGES FILED WITH THE GENERAL COUN-
4 SEL.—Any charge of a violation of section 108(d) or
5 109(c)(6) must be filed with the General Counsel in writ-
6 ing by no later than 180 days after the alleged violation.

7 **SEC. 308. SETTLEMENT OF COMPLAINTS.**

8 Any settlement entered into by the parties after a
9 complaint is filed under section 303 or 305 shall be in
10 writing and, in the case of a complaint filed under section
11 303, not become effective unless it is approved by the Di-
12 rector. Nothing in this Act shall affect the power of the
13 Senate and the House of Representatives, respectively, to
14 establish rules governing the process by which a settle-
15 ment may be entered into by such House or by any em-
16 ploying office of such House.

17 **SEC. 309. CONFIDENTIALITY.**

18 (a) COUNSELING.—All counseling conducted under
19 this Act shall be strictly confidential, except that the Of-
20 fice and the employee may agree to notify the head of the
21 employing office of the allegations.

22 (b) MEDIATION.—All mediation conducted under this
23 Act shall be strictly confidential.

24 (c) HEARINGS.—Subject to the provisions of sub-
25 sections (d), (e), and (f) the hearings, deliberations, and

1 decisions of hearing officers and of the Board and of its
2 officers and employees on complaints, charges, proposed
3 citations, and other pleadings under this Act shall be
4 strictly confidential.

5 (d) RELEASE OF RECORDS FOR JUDICIAL REVIEW
6 AND ENFORCEMENT OF SUBPOENAS.—The complete
7 record of the proceedings before the hearing officer and
8 the Board, including their decisions, may be made public
9 for the purpose of judicial review under section 305. As
10 much of the record of the proceedings before the hearing
11 officer and the Board as may be necessary for the purpose
12 of enforcement of a subpoena under section 303(f) may
13 be made public for such purpose.

14 (e) RELEASE OF FINAL DECISION FOR FAIRNESS TO
15 PARTIES.—Upon the application of any party, the Board
16 may disclose the final decision of a hearing officer or of
17 the Board upon a showing of good cause and fairness to
18 all parties to the proceeding.

19 **SEC. 310. DISCLOSURE TO COMMITTEES OF CONGRESS.**

20 (a) IN GENERAL.—The Board—

21 (1) may, at its discretion, provide to the Com-
22 mittee on Standards of Official Conduct of the
23 House of Representatives or the Select Committee
24 on Ethics of the Senate; and

1 (2) shall, at the request of either of such com-
2 mittees;
3 provide to such committee the record of a hearing and the
4 decision of the hearing officer, and the record of consider-
5 ation and the decision of the Board on appeal, after com-
6 pletion of procedures described in sections 303 and 304.

7 (b) CONFIDENTIALITY OF RECORDS.—All members
8 and staff of the Committee on Standards of Official Con-
9 duct of the House of Representatives and of the Select
10 Committee on Ethics of the Senate shall keep all records
11 and decisions provided under subsection (a) strictly con-
12 fidential, except that this subsection shall not require such
13 committee to maintain confidentiality of any record or de-
14 cision that has been made public by the Board pursuant
15 to this Act. Any violation of this subsection shall be a vio-
16 lation of the rules of the House of Representatives or of
17 the Senate.

18 **SEC. 311. REPRESENTATION.**

19 (a) COMPLAINANT.—A covered employee or other
20 complainant is entitled to be assisted by counsel or other
21 representative at any stage of any proceeding adminis-
22 tered by the Office, including the proceedings under sec-
23 tions 301, 302, 303, and 304.

24 (b) EMPLOYING OFFICES OF THE SENATE.—The
25 Senate Chief Counsel for Employment may represent any

1 employing office of the Senate, with the consent of the
2 employing office, in any administrative and judicial pro-
3 ceeding under this Act.

4 **TITLE IV—MISCELLANEOUS**
5 **PROVISIONS**

6 **SEC. 401. EXERCISE OF RULEMAKING POWERS.**

7 The provisions of sections 204 (e) and (f), 311(b),
8 401, and 408 are enacted—

9 (1) as an exercise of the rulemaking power of
10 the House of Representatives and the Senate, re-
11 spectively, and as such they shall be considered as
12 part of the rules of such House, respectively, and
13 such rules shall supersede other rules only to the ex-
14 tent that they are inconsistent therewith; and

15 (2) with full recognition of the constitutional
16 right of either House to change such rules (so far
17 as relating to such House) at any time, in the same
18 manner, and to the same extent as in the case of
19 any other rule of each House.

20 **SEC. 402. SETTLEMENT AND AWARDS RESERVES; AUTHOR-**
21 **IZATION OF APPROPRIATIONS.**

22 (a) FOR THE HOUSE OF REPRESENTATIVES.—

23 (1) ESTABLISHMENT OF ACCOUNT.—There is
24 established in the Contingent Fund of the House of

1 Representatives a “Settlements and Awards Re-
2 serve” appropriation account—

3 (A) into which shall be deposited appro-
4 priated funds and amounts transferred by the
5 Clerk of the House of Representatives from
6 funds available to the Clerk for disbursement by
7 the Clerk; and

8 (B) that shall be available as provided in
9 paragraph (2).

10 (2) PAYMENTS.—The appropriation account es-
11 tablished by paragraph (1) shall be available for the
12 payment of awards under sections 303 through 306
13 and agreements under section 308.

14 (b) FOR THE SENATE.—

15 (1) ESTABLISHMENT OF ACCOUNT.—There is
16 established in the Contingent Fund of the Senate a
17 “Settlements and Awards Reserve” appropriation
18 account—

19 (A) into which shall be deposited appro-
20 priated funds and amounts transferred by the
21 Secretary of the Senate from funds available to
22 the Secretary for disbursement by the Sec-
23 retary; and

24 (B) that shall be available as provided in
25 paragraph (2).

1 (2) PAYMENTS.—The appropriation account es-
2 tablished by paragraph (1) shall be available for the
3 payment of awards under sections 303 through 306
4 and agreements under section 308.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated such sums as are nec-
7 essary for the purposes of subsections (a)(2) and (b)(2),
8 and otherwise for the purposes of payment of awards
9 under sections 303 through 306 and agreements under
10 section 308. No amounts shall be paid for awards or
11 agreements under this Act out of the Claims and Judg-
12 ment Fund of the Treasury.

13 **SEC. 403. OTHER JUDICIAL REVIEW PROHIBITED.**

14 Except in proceedings expressly authorized by sec-
15 tions 305 and 306, the compliance or noncompliance with
16 the provisions of this Act and any action taken pursuant
17 to this Act shall not be subject to judicial review.

18 **SEC. 404. PRIVILEGES AND IMMUNITIES.**

19 (a) IN GENERAL.—The authorization to bring judi-
20 cial actions under sections 305 and 306 shall not con-
21 stitute a waiver of sovereign immunity for any other pur-
22 pose, or of the privileges of any Senator or Member of
23 the House of Representatives under article I, section 6,
24 clause 1, of the Constitution, or a waiver of any power
25 of either the Senate or the House of Representatives under

1 the Constitution or under the rules of such House relating
2 to records and information within the jurisdiction of such
3 House.

4 **SEC. 405. SEVERABILITY.**

5 If any provision of this Act or the application of such
6 provision to any person or circumstance is held to be in-
7 valid, the remainder of this Act and the application of the
8 provisions of such to any person or circumstance shall not
9 be affected thereby.

10 **SEC. 406. POLITICAL AFFILIATION AND PLACE OF RESI-**
11 **DENCE.**

12 (a) IN GENERAL.—It shall not be a violation of any
13 provision of section 101 to consider the—

14 (1) party affiliation;

15 (2) domicile; or

16 (3) political compatibility with the employing
17 office;

18 of an employee referred to in subsection (b) with respect
19 to employment decisions.

20 (b) DEFINITION.—For purposes of subsection (a),
21 the term “employee” means—

22 (1) an employee on the staff of the leadership
23 of the House of Representatives or the leadership of
24 the Senate;

1 (2) an employee on the staff of a committee or
2 subcommittee of—

3 (A) the House of Representatives;

4 (B) the Senate; or

5 (C) a joint committee of the Congress;

6 (3) an employee on the staff of a Member of
7 the House of Representatives or on the staff of a
8 Senator;

9 (4) an officer of the House of Representatives
10 or the Senate or a congressional employee who is
11 elected by the House of Representatives or Senate or
12 is appointed by a Member of the House of Rep-
13 resentatives or by a Senator (in addition an em-
14 ployee described in paragraph (1), (2), or (3)); or

15 (5) an applicant for a position that is to be oc-
16 cupied by an individual described in any of para-
17 graphs (1) through (4).

18 **SEC. 407. NONDISCRIMINATION RULES OF THE HOUSE AND**

19 **SENATE.**

20 The Select Committee on Ethics of the Senate and
21 the Committee on Standards of Official Conduct of the
22 House of Representatives retain full power, in accordance
23 with the authority provided to them by the Senate and
24 the House, with respect to the discipline of Members, offi-

1 cers, and employees for violating rules of the Senate and
2 the House on nondiscrimination in employment.

3 **SEC. 408. EXPEDITED REVIEW OF CERTAIN APPEALS.**

4 (a) IN GENERAL.—An appeal may be taken directly
5 to the Supreme Court of the United States from any inter-
6 locutory or final judgment, decree, or order of a court
7 upon the constitutionality of any provision of this Act.

8 (b) JURISDICTION.—The Supreme Court shall, if it
9 has not previously ruled on the question, accept jurisdic-
10 tion over the appeal referred to in paragraph (1), advance
11 the appeal on the docket and expedite the appeal to the
12 greatest extent possible.

13 **SEC. 409. TECHNICAL AND CONFORMING AMENDMENTS.**

14 (a) CIVIL RIGHTS REMEDIES.—

15 (1) Sections 301 and 302 of the Government
16 Employee Rights Act of 1991 (2 U.S.C. 1201 and
17 1202) are amended to read as follows:

18 **“SEC. 301. GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.**

19 “(a) SHORT TITLE.—This title may be cited as the
20 ‘Government Employee Rights Act of 1991’.

21 “(b) PURPOSE.—The purpose of this title is to pro-
22 vide procedures to protect the rights of certain government
23 employees, with respect to their public employment, to be
24 free of discrimination on the basis of race, color, religion,
25 sex, national origin, age, or disability.

1 “(c) DEFINITION.—For purposes of this title, the
2 term ‘violation’ means a practice that violates section
3 302(a) of this title.

4 **“SEC. 302. DISCRIMINATORY PRACTICES PROHIBITED.**

5 “(a) PRACTICES.—All personnel actions affecting the
6 appointees described in section 303(a)(1) or the individ-
7 uals described in section 304(a) shall be made free from
8 any discrimination based on—

9 “(1) race, color, religion, sex, or national origin,
10 within the meaning of section 717 of the Civil
11 Rights Act of 1964 (42 U.S.C. 2000e–16);

12 “(2) age, within the meaning of section 15 of
13 the Age Discrimination in Employment Act of 1967
14 (29 U.S.C. 633a); or

15 “(3) handicap or disability, within the meaning
16 of section 501 of the Rehabilitation Act of 1973 (29
17 U.S.C. 791) and sections 102 through 104 of the
18 Americans with Disabilities Act of 1990 (42 U.S.C.
19 12112–14).

20 “(b) REMEDIES.—The remedies referred to in sec-
21 tions 303(a)(1) and 304(a)—

22 “(1) may include, in the case of a determina-
23 tion that a violation of subsection (a)(1) has oc-
24 curred, such remedies as would be appropriate if
25 awarded under sections 706(g), 706(k), and 717(d)

1 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–
2 5(g), 2000e–5(k), 2000e–16(d)), and such compen-
3 satory damages (not exceeding, for each complaining
4 party, and irrespective of the size of the employing
5 office or agency involved, the maximum amount
6 available under section 1977A(b)(3)(D) of the Re-
7 vised Statutes (42 U.S.C. 1981a(b)(3)(D)) as would
8 be appropriate if awarded under section 1977 and
9 sections 1977(A) (a) and (b)(2) of the Revised Stat-
10 utes (42 U.S.C. 1981 and 1981a (a) and (b)(2));

11 “(2) may include, in the case of a determina-
12 tion that a violation of subsection (a)(2) has oc-
13 curred, such remedies as would be appropriate if
14 awarded under section 15(c) of the Age Discrimina-
15 tion in Employment Act of 1967 (29 U.S.C.
16 633a(c));

17 “(3) may include, in the case of a determina-
18 tion that a violation of subsection (a)(3) has oc-
19 curred, such remedies as would be appropriate if
20 awarded under section 505(a) of the Rehabilitation
21 Act of 1973 (29 U.S.C. 794a(a)(1)) or section 107
22 of the Americans with Disabilities Act of 1990 (42
23 U.S.C. 12117(a)); and

24 “(4) may not include punitive damages.”.

1 (2) Sections 303 through 319, and sections
2 322, 324, and 325 of the Civil Rights Act of 1991
3 (2 U.S.C. 1203—1218, 1221, 1223, and 1224) are
4 repealed effective October 1, 1995, except as pro-
5 vided in section 411.

6 (3) Sections 320 and 321 of the Civil Rights
7 Act of 1991 (2 U.S.C. 1219 and 1220) are redesign-
8 nated as sections 303 and 304, respectively.

9 (4) Sections 303 and 304 of the Civil Rights
10 Act of 1991, as so redesignated, are each amended
11 by striking “and 307(h) of this title”.

12 (5) Section 1205 of the Supplemental Appro-
13 priations Act of 1993 (2 U.S.C. 1207a) is repealed
14 effective October 1, 1995, except as provided in sec-
15 tion 411.

16 (b) FAMILY AND MEDICAL LEAVE ACT OF 1993.—
17 Section 501 of the Family and Medical Leave Act of 1993
18 (2 U.S.C. 60m) is repealed effective October 1, 1995, ex-
19 cept as provided in section 411.

20 (c) ARCHITECT OF THE CAPITOL.—

21 (1) REPEAL.—Section 312(e) of the Architect
22 of the Capitol Human Resources Act (Public Law
23 103–283; 108 Stat. 1444) is repealed effective Octo-
24 ber 1, 1995, except as provided in section 411.

1 (2) APPLICATION OF GENERAL ACCOUNTING
2 OFFICE PERSONNEL ACT OF 1980.—The provisions of
3 sections 751, 753, and 755 of title 31, United States
4 Code, amended by section 312(e) of the Architect of
5 the Capitol Human Resources Act, shall be applied
6 and administered as if such section 312(e) (and the
7 amendments made by such section) had not been en-
8 acted.

9 **SEC. 410. SAVINGS PROVISION.**

10 (a) TRANSITION PROVISIONS FOR EMPLOYEES OF
11 THE HOUSE OF REPRESENTATIVES AND OF THE SEN-
12 ATE.—

13 (1) CLAIMS NOT FILED PRIOR TO EFFECTIVE
14 DATE.—If, as of the date on which sections 101 and
15 102 take effect, an employee could have initiated a
16 request for counseling under section 305 of the Gov-
17 ernment Employees Rights Act (2 U.S.C. 1205) or
18 rule LI of the House of Representatives, the em-
19 ployee may, on or after the date on which sections
20 101 and 102 take effect, request counseling pursu-
21 ant to section 107(1), and seek relief pursuant to
22 section 107. Such a request for counseling must be
23 initiated on or before the last day on which a re-
24 quest for counseling could have been made, in the
25 case of an employee of the Senate, under section 305

1 of the Government Employees Rights Act or section
2 501(d) of the Family and Medical Leave Act of
3 1993, or, in the case of an employee of the House
4 of Representatives, under rule LI of the House of
5 Representatives, had those provisions remained in
6 effect. If the Office is not yet established to receive
7 such a request for counseling, the time for initiating
8 such a request shall be extended until 30 days after
9 the Office begins accepting such requests. All proce-
10 dures and remedies under this Act with respect to
11 alleged violations under section 101, except for civil
12 actions under section 107(3)(B), shall be available to
13 the same extent as if such alleged violations had oc-
14 curred on or after the date on which sections 101
15 and 102 take effect.

16 (2) CLAIMS FILED PRIOR TO EFFECTIVE
17 DATE.—If, as of the date on which sections 101 and
18 102 take effect, an employee to whom those sections
19 apply—

20 (A) has requested counseling pursuant to
21 the Government Employees Rights Act of 1991
22 or rule LI of the House of Representatives—

23 (i) if the counseling period has not
24 ended—

1 (I) the authority of such Act or
2 rule shall continue with respect to
3 that request for counseling, until the
4 end of the counseling period; and

5 (II) if the employee completes the
6 counseling, the employee shall be
7 deemed to have complied with the re-
8 quirements of section 301, and any
9 further proceedings shall be under
10 this Act, except that the right to bring
11 a civil action under section 107(3)(B)
12 shall not be available; and

13 (ii) if the counseling period has ended
14 and the employee would otherwise have
15 been eligible to request mediation pursuant
16 to the Government Employee Rights Act of
17 1991 or rule LI of the House of Rep-
18 resentatives, the employee shall be deemed
19 to have complied with the requirements of
20 section 301, and any further proceedings
21 shall be under this Act;

22 (B) has requested mediation pursuant to
23 the Government Employee Rights Act of 1991
24 or rule LI of the House of Representatives—

1 (i) if the mediation period has not
2 ended—

3 (I) the authority of such Act
4 shall continue with respect to the re-
5 quest for mediation, until the end of
6 the mediation period; and

7 (II) if the employee completes the
8 mediation, the employee shall be
9 deemed to have complied with the re-
10 quirements of section 302, and any
11 further proceedings shall be under
12 this Act, except that the right to bring
13 a civil action under section 107(3)(B)
14 shall not be available; and

15 (ii) if the mediation period has ended
16 and the employee would otherwise have
17 been eligible to file a complaint pursuant
18 to the Government Employee Rights Act of
19 1991 or rule LI of the House of Rep-
20 resentatives, the employee shall be deemed
21 to have complied with the requirements of
22 section 302, and any further proceedings
23 shall be under this Act; or

24 (C) has filed a complaint pursuant to the
25 Government Employee Rights Act of 1991 or

1 rule LI of the House of Representatives, the
2 authority of such Act or rule shall continue
3 with respect to that complaint until the conclu-
4 sion of all proceedings authorized under such
5 Act or rule.

6 (c) ARCHITECT OF THE CAPITOL TRANSITION PROVI-
7 SIONS.—

8 (1) CLAIMS NOT FILED PRIOR TO EFFECTIVE
9 DATE.—If, as of the date on which section 101 takes
10 effect, an employee of the Architect of the Capitol
11 could have filed a complaint regarding an alleged
12 violation of section 312(e)(2) of the Architect of the
13 Capitol Human Resources Act (P.L. 103–323) with
14 the Architect of the Capitol in accordance with re-
15 quirements prescribed by the Architect of the Cap-
16 itol, the employee may request counseling pursuant
17 to section 107(1), and seek relief pursuant to section
18 107. Such a request for counseling must be initiated
19 on or before the latest of—

20 (A) 60 days following the date on which
21 section 101 takes effect;

22 (B) 30 days after the Office begins accept-
23 ing such requests; or

1 (C) 180 days after the date of the alleged
2 violation forming the basis of the request for
3 counseling.

4 All procedures and remedies under this Act with re-
5 spect to alleged violations under section 101, except
6 for civil actions under section 107(3)(B), shall be
7 available to the same extent as if such alleged viola-
8 tions had occurred on or after the date on which sec-
9 tion 101 takes effect.

10 (2) COMPLAINTS FILED WITH THE ARCHITECT
11 PRIOR TO EFFECTIVE DATE.—If, on the date on
12 which section 101 takes effect, an employee of the
13 Architect of the Capitol has filed a complaint with
14 the Architect of the Capitol alleging a violation of
15 section 312(e)(2) of the Architect of the Capitol
16 Human Resources Act, but the employee has not yet
17 filed a charge with the General Accounting Office
18 Personnel Appeals Board and the time for filing
19 such a charge has not expired, the employee may,
20 within the later of 30 days after the date on which
21 section 101 takes effect or 30 days after the date on
22 which the Office first begins accepting such re-
23 quests, file a request for counseling request counsel-
24 ing pursuant to section 107(1), and seek relief pur-
25 suant to section 107. All procedures and remedies

1 under this Act with respect to alleged violations
2 under section 101, except for civil actions under sec-
3 tion 107(3)(B), shall be available to the same extent
4 as if such alleged violations had occurred on or after
5 the date on which section 101 takes effect.

6 (3) COMPLAINTS FILED WITH THE GAO PER-
7 SONNEL APPEALS BOARD PRIOR TO EFFECTIVE
8 DATE.—If, as of the date on which section 101 takes
9 effect, an employee of the Architect of the Capitol
10 has filed a charge with the General Accounting Of-
11 fice Personnel Appeals Board pursuant to section
12 312(e)(3)(A) of the Architect of the Capitol Human
13 Resources Act (P.L. 103–283), then, notwithstand-
14 ing any other provision of this Act, the authority of
15 the Architect of the Capitol Human Resources Act,
16 and of the General Accounting Office Personnel Act
17 of 1980 as amended by the Architect of the Capitol
18 Human Resources Act of 1994 shall continue with
19 respect to that charge until the conclusion of all pro-
20 ceedings authorized under such Acts, including judi-
21 cial review.

22 **DIVISION B—LOBBYING AND** 23 **GIFT REFORM**

24 **SEC. 1100. TABLE OF CONTENTS.**

25 The table of contents for this division is as follows:

DIVISION B—LOBBYING AND GIFT REFORM

Sec. 1100. Table of contents.

TITLE I—LOBBYING REFORM

- Sec. 1101. Short title.
- Sec. 1102. Findings.
- Sec. 1103. Definitions.
- Sec. 1104. Registration of lobbyists.
- Sec. 1105. Reports by registered lobbyists.
- Sec. 1106. Prohibition on gifts by lobbyists, lobbying firms, and agents of foreign principals.
- Sec. 1107. Office of Lobbying Registration and Public Disclosure.
- Sec. 1108. Initial procedure for alleged violations.
- Sec. 1109. Determinations of violations.
- Sec. 1110. Disclosure of information; written decisions.
- Sec. 1111. Judicial review.
- Sec. 1112. Rules of construction.
- Sec. 1113. Amendments to the Foreign Agents Registration Act.
- Sec. 1114. Amendments to the Byrd amendment.
- Sec. 1115. Repeal of certain lobbying provisions.
- Sec. 1116. Conforming amendments to other statutes.
- Sec. 1117. Severability.
- Sec. 1118. Authorization of appropriations.
- Sec. 1119. Identification of clients and covered officials.
- Sec. 1120. Transitional filing requirement.
- Sec. 1121. Estimates based on tax reporting system.
- Sec. 1122. Effective dates and interim rules.

TITLE II—CONGRESSIONAL GIFT REFORM

- Sec. 1201. Amendments to Senate rules.
- Sec. 1202. Amendments to House rules.
- Sec. 1203. Miscellaneous provisions.
- Sec. 1204. Exercise of congressional rulemaking powers.
- Sec. 1205. Effective date.

1 **TITLE I—LOBBYING REFORM**

2 **SEC. 1101. SHORT TITLE.**

3 This title may be cited as the “Lobbying Disclosure
4 Act of 1995”.

5 **SEC. 1102. FINDINGS.**

6 The Congress finds that—

7 (1) responsible representative Government re-
8 quires public awareness of the efforts of paid lobby-
9 ists to influence the public decisionmaking process in

1 both the legislative and executive branches of the
2 Federal Government;

3 (2) existing lobbying disclosure statutes have
4 been ineffective because of unclear statutory lan-
5 guage, weak administrative and enforcement provi-
6 sions, and an absence of clear guidance as to who
7 is required to register and what they are required to
8 disclose; and

9 (3) the effective public disclosure of the identity
10 and extent of the efforts of paid lobbyists to influ-
11 ence Federal officials in the conduct of Government
12 actions will increase public confidence in the integ-
13 rity of Government.

14 **SEC. 1103. DEFINITIONS.**

15 As used in this title:

16 (1) AGENCY.—The term “agency” has the
17 meaning given that term in section 551(1) of title 5,
18 United States Code.

19 (2) CLIENT.—The term “client” means any
20 person or entity that employs or retains another per-
21 son for financial or other compensation to conduct
22 lobbying activities on behalf of that person or entity.
23 A person or entity whose employees act as lobbyists
24 on its own behalf is both a client and an employer
25 of such employees. In the case of a coalition or asso-

1 ciation that employs or retains other persons to con-
2 duct lobbying activities, the client is the coalition or
3 association and not its individual members.

4 (3) COVERED EXECUTIVE BRANCH OFFICIAL.—

5 The term “covered executive branch official”
6 means—

7 (A) the President;

8 (B) the Vice President;

9 (C) any officer or employee, or any other
10 individual functioning in the capacity of such
11 an officer or employee, in the Executive Office
12 of the President;

13 (D) any officer or employee serving in a
14 position in level I, II, III, IV, or V of the Exec-
15 utive Schedule, as designated by statute or Ex-
16 ecutive order;

17 (E) any officer or employee serving in a
18 Senior Executive Service position, as defined in
19 section 3132(a)(2) of title 5, United States
20 Code;

21 (F) any member of the uniformed services
22 whose pay grade is at or above O-7 under sec-
23 tion 201 of title 37, United States Code; and

24 (G) any officer or employee serving in a
25 position of a confidential, policy-determining,

1 policy-making, or policy-advocating character
2 described in section 7511(b)(2) of title 5, Unit-
3 ed States Code.

4 (4) COVERED LEGISLATIVE BRANCH OFFI-
5 CIAL.—The term “covered legislative branch official”
6 means—

7 (A) a Member of Congress;

8 (B) an elected officer of either House of
9 Congress;

10 (C) any employee of, or any other individ-
11 ual functioning in the capacity of an employee
12 of—

13 (i) a Member of Congress;

14 (ii) a committee of either House of
15 Congress;

16 (iii) the leadership staff of the House
17 of Representatives or the leadership staff
18 of the Senate;

19 (iv) a joint committee of Congress;

20 and

21 (v) a working group or caucus orga-
22 nized to provide legislative services or
23 other assistance to Members of Congress;
24 and

1 (D) any other legislative branch employee
2 serving in a position described under section
3 109(13) of the Ethics in Government Act of
4 1978 (5 U.S.C. App.).

5 (5) DIRECTOR.—The term “Director” means
6 the Director of the Office of Lobbying Registration
7 and Public Disclosure.

8 (6) EMPLOYEE.—The term “employee” means
9 any individual who is an officer, employee, partner,
10 director, or proprietor of a person or entity, but does
11 not include—

12 (A) independent contractors; or

13 (B) volunteers who receive no financial or
14 other compensation from the person or entity
15 for their services.

16 (7) FOREIGN ENTITY.—The term “foreign en-
17 tity” means a foreign principal (as defined in section
18 1(b) of the Foreign Agents Registration Act of 1938
19 (22 U.S.C. 611(b)).

20 (8) LOBBYING ACTIVITIES.—The term “lobby-
21 ing activities” means lobbying contacts and efforts
22 in support of such contacts, including preparation
23 and planning activities, research and other back-
24 ground work that is intended, at the time it is per-
25 formed, for use in contacts, and coordination with

1 the lobbying activities of others. Lobbying activities
2 also include efforts to stimulate grassroots lobbying,
3 as described in section 4911(d)(1)(A) of the Internal
4 Revenue Code of 1986, to the extent that such com-
5 munications are made in support of a lobbying con-
6 tact by a registered lobbyist. A communication in
7 support of a lobbying contact is a lobbying activity
8 even if the communication is excluded from the defi-
9 nition of “lobbying contact” under paragraph
10 (9)(B).

11 (9) LOBBYING CONTACT.—

12 (A) DEFINITION.—The term “lobbying
13 contact” means any oral or written communica-
14 tion (including an electronic communication) to
15 a covered executive branch official or a covered
16 legislative branch official that is made on behalf
17 of a client with regard to—

18 (i) the formulation, modification, or
19 adoption of Federal legislation (including
20 legislative proposals);

21 (ii) the formulation, modification, or
22 adoption of a Federal rule, regulation, Ex-
23 ecutive order, or any other program, policy,
24 or position of the United States Govern-
25 ment;

1 (iii) the administration or execution of
2 a Federal program or policy (including the
3 negotiation, award, or administration of a
4 Federal contract, grant, loan, permit, or li-
5 cense), except that this clause does not in-
6 clude communications that are made to
7 any covered executive branch official—

8 (I) who is serving in a Senior Ex-
9 ecutive Service position described in
10 paragraph (3)(E); or

11 (II) who is a member of the uni-
12 formed services whose pay grade is
13 lower than O-9 under section 201 of
14 title 37, United States Code,
15 in the agency responsible for taking such
16 administrative or executive action; or

17 (iv) the nomination or confirmation of
18 a person for a position subject to confirma-
19 tion by the Senate.

20 (B) EXCEPTIONS.—The term “lobbying
21 contact” does not include a communication that
22 is—

23 (i) made by a public official acting in
24 the public official’s official capacity;

1 (ii) made by a representative of a
2 media organization if the purpose of the
3 communication is gathering and dissemi-
4 nating news and information to the public;

5 (iii) made in a speech, article, publica-
6 tion or other material that is widely dis-
7 tributed to the public, or through radio,
8 television, cable television, or other medium
9 of mass communication;

10 (iv) made on behalf of a government
11 of a foreign country or a foreign political
12 party and disclosed under the Foreign
13 Agents Registration Act of 1938 (22
14 U.S.C. 611 et seq.);

15 (v) a request for a meeting, a request
16 for the status of an action, or any other
17 similar administrative request, if the re-
18 quest does not include an attempt to influ-
19 ence a covered executive branch official or
20 a covered legislative branch official;

21 (vi) made in the course of participa-
22 tion in an advisory committee subject to
23 the Federal Advisory Committee Act;

24 (vii) testimony given before a commit-
25 tee, subcommittee, or task force of the

1 Congress, or submitted for inclusion in the
2 public record of a hearing conducted by
3 such committee, subcommittee, or task
4 force;

5 (viii) information provided in writing
6 in response to a written request by a cov-
7 ered executive branch official or a covered
8 legislative branch official for specific infor-
9 mation;

10 (ix) required by subpoena, civil inves-
11 tigative demand, or otherwise compelled by
12 statute, regulation, or other action of the
13 Congress or an agency;

14 (x) made in response to a notice in
15 the Federal Register, Commerce Business
16 Daily, or other similar publication solicit-
17 ing communications from the public and
18 directed to the agency official specifically
19 designated in the notice to receive such
20 communications;

21 (xi) not possible to report without dis-
22 closing information, the unauthorized dis-
23 closure of which is prohibited by law;

24 (xii) made to an official in an agency
25 with regard to—

- 1 (I) a judicial proceeding or a
2 criminal or civil law enforcement in-
3 quiry, investigation, or proceeding; or
4 (II) a filing or proceeding that
5 the Government is specifically re-
6 quired by statute or regulation to
7 maintain or conduct on a confidential
8 basis,
9 if that agency is charged with responsibil-
10 ity for such proceeding, inquiry, investiga-
11 tion, or filing;
- 12 (xiii) made in compliance with written
13 agency procedures regarding an adjudica-
14 tion conducted by the agency under section
15 554 of title 5, United States Code, or sub-
16 stantially similar provisions;
- 17 (xiv) a written comment filed in the
18 course of a public proceeding or any other
19 communication that is made on the record
20 in a public proceeding;
- 21 (xv) a petition for agency action made
22 in writing and required to be a matter of
23 public record pursuant to established agen-
24 cy procedures;

1 (xvi) made on behalf of an individual
2 with regard to that individual's benefits,
3 employment, or other personal matters in-
4 volving only that individual, except that
5 this clause does not apply to any commu-
6 nication with—

7 (I) a covered executive branch of-
8 ficial, or

9 (II) a covered legislative branch
10 official (other than the individual's
11 elected Members of Congress or em-
12 ployees who work under such Mem-
13 bers' direct supervision),
14 with respect to the formulation, modifica-
15 tion, or adoption of private legislation for
16 the relief of that individual;

17 (xvii) a disclosure by an individual
18 that is protected under the amendments
19 made by the Whistleblower Protection Act
20 of 1989, under the Inspector General Act
21 of 1978, or under another provision of law;

22 (xviii) made by—

23 (I) a church, its integrated auxil-
24 iary, or a convention or association of
25 churches that is exempt from filing a

1 Federal income tax return under
2 paragraph 2(A)(i) of section 6033(a)
3 of the Internal Revenue Code of 1986,
4 or

5 (II) a religious order that is ex-
6 empt from filing a Federal income tax
7 return under paragraph (2)(A)(iii) of
8 such section 6033(a); and

9 (xix) between—

10 (I) officials of a self-regulatory
11 organization (as defined in section
12 3(a)(26) of the Securities Exchange
13 Act) that is registered with or estab-
14 lished by the Securities and Exchange
15 Commission as required by that Act
16 or a similar organization that is des-
17 ignated by or registered with the
18 Commodities Future Trading Com-
19 mission as provided under the Com-
20modity Exchange Act; and

21 (II) the Securities and Exchange
22 Commission or the Commodities Fu-
23 ture Trading Commission, respec-
24 tively;

1 relating to the regulatory responsibilities of
2 such organization under that Act.

3 (10) LOBBYING FIRM.—The term “lobbying
4 firm” means a person or entity that has 1 or more
5 employees who are lobbyists on behalf of a client
6 other than that person or entity. The term also in-
7 cludes a self-employed individual who is a lobbyist.

8 (11) LOBBYIST.—The term “lobbyist” means
9 any individual who is employed or retained by a cli-
10 ent for financial or other compensation for services
11 that include 1 or more lobbying contacts, other than
12 an individual whose lobbying activities constitute less
13 than 10 percent of the time engaged in the services
14 provided by such individual to that client.

15 (12) MEDIA ORGANIZATION.—The term “media
16 organization” means a person or entity engaged in
17 disseminating information to the general public
18 through a newspaper, magazine, other publication,
19 radio, television, cable television, or other medium of
20 mass communication.

21 (13) MEMBER OF CONGRESS.—The term
22 “Member of Congress” means a Senator or a Rep-
23 resentative in, or Delegate or Resident Commis-
24 sioner to, the Congress.

1 (14) ORGANIZATION.—The term “organization”
2 means a person or entity other than an individual.

3 (15) PERSON OR ENTITY.—The term “person
4 or entity” means any individual, corporation, com-
5 pany, foundation, association, labor organization,
6 firm, partnership, society, joint stock company,
7 group of organizations, or State or local government.

8 (16) PUBLIC OFFICIAL.—The term “public offi-
9 cial” means any elected official, appointed official, or
10 employee of—

11 (A) a Federal, State, or local unit of gov-
12 ernment in the United States other than—

13 (i) a college or university;

14 (ii) a government-sponsored enterprise
15 (as defined in section 3(8) of the Congres-
16 sional Budget and Impoundment Control
17 Act of 1974);

18 (iii) a public utility that provides gas,
19 electricity, water, or communications;

20 (iv) a guaranty agency (as defined in
21 section 435(j) of the Higher Education Act
22 of 1965 (20 U.S.C. 1085(j))), including
23 any affiliate of such an agency; or

24 (v) an agency of any State functioning
25 as a student loan secondary market pursu-

1 ant to section 435(d)(1)(F) of the Higher
2 Education Act of 1965 (20 U.S.C.
3 1085(d)(1)(F));

4 (B) a Government corporation (as defined
5 in section 9101 of title 31, United States
6 Code);

7 (C) an organization of State or local elect-
8 ed or appointed officials other than officials of
9 an entity described in clause (i), (ii), (iii), (iv),
10 or (v) of subparagraph (A);

11 (D) an Indian tribe (as defined in section
12 4(e) of the Indian Self-Determination and Edu-
13 cation Assistance Act (25 U.S.C. 450b(e));

14 (E) a national or State political party or
15 any organizational unit thereof; or

16 (F) a national, regional, or local unit of
17 any foreign government.

18 (17) STATE.—The term “State” means each of
19 the several States, the District of Columbia, and any
20 commonwealth, territory, or possession of the United
21 States.

22 **SEC. 1104. REGISTRATION OF LOBBYISTS.**

23 (a) REGISTRATION.—

24 (1) GENERAL RULE.—No later than 30 days
25 after a lobbyist first makes a lobbying contact or is

1 employed or retained to make a lobbying contact,
2 whichever is earlier, such lobbyist (or, as provided
3 under paragraph (2), the organization employing
4 such lobbyist), shall register with the Office of Lob-
5 bying Registration and Public Disclosure.

6 (2) EMPLOYER FILING.—Any organization that
7 has 1 or more employees who are lobbyists shall file
8 a single registration under this section on behalf of
9 such employees for each client on whose behalf the
10 employees act as lobbyists.

11 (3) EXEMPTION.—

12 (A) GENERAL RULE.—Notwithstanding
13 paragraphs (1) and (2), a person or entity
14 whose—

15 (i) total income for matters related to
16 lobbying activities on behalf of a particular
17 client (in the case of a lobbying firm) does
18 not exceed and is not expected to exceed
19 \$2,500; or

20 (ii) total expenses in connection with
21 lobbying activities (in the case of an orga-
22 nization whose employees engage in lobby-
23 ing activities on its own behalf) do not ex-
24 ceed or are not expected to exceed \$5,000,

1 (as estimated under section 1105) in the semi-
2 annual period described in section 1105(a) dur-
3 ing which the registration would be made is not
4 required to register under subsection (a) with
5 respect to such client.

6 (B) ADJUSTMENT.—The dollar amounts in
7 subparagraph (A) shall be adjusted—

8 (i) on January 1, 1997, to reflect
9 changes in the Consumer Price Index (as
10 determined by the Secretary of Labor)
11 since the date of enactment of this title;
12 and

13 (ii) on January 1 of each fourth year
14 occurring after January 1, 1997, to reflect
15 changes in the Consumer Price Index (as
16 determined by the Secretary of Labor)
17 during the preceding 4-year period,
18 rounded to the nearest \$500.

19 (b) CONTENTS OF REGISTRATION.—Each registra-
20 tion under this section shall be in such form as the Direc-
21 tor shall prescribe by regulation and shall contain—

22 (1) the name, address, business telephone num-
23 ber, and principal place of business of the registrant,
24 and a general description of its business or activi-
25 ties;

1 (2) the name, address, and principal place of
2 business of the registrant's client, and a general de-
3 scription of its business or activities (if different
4 from paragraph (1));

5 (3) the name, address, and principal place of
6 business of any organization, other than the client,
7 that—

8 (A) contributes more than \$5,000 toward
9 the lobbying activities of the registrant in a
10 semiannual period described in section 1105(a);
11 and

12 (B) participates significantly in the plan-
13 ning, supervision, or control of such lobbying
14 activities;

15 (4) the name, address, principal place of busi-
16 ness, amount of any contribution of more than
17 \$5,000 to the lobbying activities of the registrant,
18 and approximate percentage of equitable ownership
19 in the client (if any) of any foreign entity that—

20 (A) holds at least 20 percent equitable
21 ownership in the client or any organization
22 identified under paragraph (3);

23 (B) directly or indirectly, in whole or in
24 major part, plans, supervises, controls, directs,
25 finances, or subsidizes the activities of the cli-

1 ent or any organization identified under para-
2 graph (3); or

3 (C) is an affiliate of the client or any orga-
4 nization identified under paragraph (3) and has
5 a direct interest in the outcome of the lobbying
6 activity;

7 (5) a statement of—

8 (A) the general issue areas in which the
9 registrant expects to engage in lobbying activi-
10 ties on behalf of the client; and

11 (B) to the extent practicable, specific is-
12 sues that have (as of the date of the registra-
13 tion) already been addressed or are likely to be
14 addressed in lobbying activities; and

15 (6) the name of each employee of the registrant
16 who has acted or whom the registrant expects to act
17 as a lobbyist on behalf of the client and, if any such
18 employee has served as a covered executive branch
19 official or a covered legislative branch official in the
20 2 years before the date on which such employee first
21 acted (after the date of enactment of this Act) as a
22 lobbyist on behalf of the client, the position in which
23 such employee served.

24 (c) GUIDELINES FOR REGISTRATION.—

1 (1) MULTIPLE CLIENTS.—In the case of a reg-
2 istrant making lobbying contacts on behalf of more
3 than 1 client, a separate registration under this sec-
4 tion shall be filed for each such client.

5 (2) MULTIPLE CONTACTS.—A registrant who
6 makes more than 1 lobbying contact for the same
7 client shall file a single registration covering all such
8 lobbying contacts.

9 (d) TERMINATION OF REGISTRATION.—A registrant
10 who after registration—

11 (1) is no longer employed or retained by a cli-
12 ent to conduct lobbying activities, and

13 (2) does not anticipate any additional lobbying
14 activities for such client,

15 may so notify the Director and terminate its registration.

16 **SEC. 1105. REPORTS BY REGISTERED LOBBYISTS.**

17 (a) SEMIANNUAL REPORT.—

18 (1) IN GENERAL.—No later than 30 days after
19 the end of the semiannual period beginning on the
20 first day of each January and the first day of July
21 of each year in which a registrant is registered
22 under section 1104, each registrant shall file a re-
23 port with the Office of Lobbying Registration and
24 Public Disclosure on its lobbying activities during

1 such semiannual period. A separate report shall be
2 filed for each client of the registrant.

3 (2) EXEMPTION.—

4 (A) GENERAL RULE.—Any registrant
5 whose—

6 (i) total income for a particular client
7 for matters that are related to lobbying ac-
8 tivities on behalf of that client (in the case
9 of a lobbying firm), does not exceed and is
10 not expected to exceed \$2,500; or

11 (ii) total expenses in connection with
12 lobbying activities (in the case of a reg-
13 istrant whose employees engage in lobbying
14 activities on its own behalf) do not exceed
15 and are not expected to exceed \$5,000,

16 in a semiannual period (as estimated under
17 paragraph (3) or (4) of subsection (b) or para-
18 graph (4) of subsection (c), as applicable) is
19 deemed to be inactive during such period and
20 may comply with the reporting requirements of
21 this section by so notifying the Director in such
22 form as the Director may prescribe.

23 (B) ADJUSTMENT.—The dollar amounts in
24 subparagraph (A) shall be adjusted as provided
25 in section 1104(a)(3)(B).

1 (b) CONTENTS OF REPORT.—Each semiannual re-
2 port filed under subsection (a) shall be in such form as
3 the Director shall prescribe by regulation and shall con-
4 tain—

5 (1) the name of the registrant, the name of the
6 client, and any changes or updates to the informa-
7 tion provided in the initial registration;

8 (2) for each general issue area in which the reg-
9 istrant engaged in lobbying activities on behalf of
10 the client during the semiannual filing period—

11 (A) a list of the specific issues upon which
12 a lobbyist employed by the registrant engaged
13 in lobbying activities, including, to the maxi-
14 mum extent practicable, a list of bill numbers
15 and references to specific regulatory actions,
16 programs, projects, contracts, grants, and
17 loans;

18 (B) a statement of the Houses and com-
19 mittees of Congress and the Federal agencies
20 contacted by lobbyists employed by the reg-
21 istrant on behalf of the client;

22 (C) a list of the employees of the registrant
23 who acted as lobbyists on behalf of the client;
24 and

1 (D) a description of the interest, if any, of
2 any foreign entity identified under section
3 1104(b)(4) in the specific issues listed under
4 subparagraph (A).

5 (3) in the case of a lobbying firm, a good faith
6 estimate of the total amount of all income from the
7 client (including any payments to the registrant by
8 any other person for lobbying activities on behalf of
9 the client) during the semiannual period, other than
10 income for matters that are unrelated to lobbying
11 activities; and

12 (4) in the case of a registrant engaged in lobby-
13 ing activities on its own behalf, a good faith estimate
14 of the total expenses that the registrant and its em-
15 ployees incurred in connection with lobbying activi-
16 ties during the semiannual filing period.

17 (c) ESTIMATES OF INCOME OR EXPENSES.—For pur-
18 poses of this section, estimates of income or expenses shall
19 be made as follows:

20 (1) \$100,000 OR LESS.—Income or expenses of
21 \$100,000 or less shall be estimated in accordance
22 with the following categories:

23 (A) \$10,000 or less.

24 (B) More than \$10,000 but not more than
25 \$20,000.

1 (C) More than \$20,000 but not more than
2 \$50,000.

3 (D) More than \$50,000 but not more than
4 \$100,000.

5 (2) MORE THAN \$100,000 BUT NOT MORE
6 THAN \$500,000.—Income or expenses in excess of
7 \$100,000 but not more than \$500,000 shall be esti-
8 mated and rounded to the nearest \$50,000.

9 (3) MORE THAN \$500,000.—Income or ex-
10 penses in excess of \$500,000 shall be estimated and
11 rounded to the nearest \$100,000.

12 (4) CONSTRUCTION.—In estimating total in-
13 come or expenses under this section, a registrant is
14 not required to include—

15 (A) the value of contributed services for
16 which no payment is made; or

17 (B) the expenses for services provided by
18 an independent contractor of the registrant who
19 is separately registered under this title.

20 (d) CONTACTS.—

21 (1) CONTACTS WITH COMMITTEES.—For pur-
22 poses of subsection (b)(2), any contact with a mem-
23 ber of a committee of Congress, an employee of a
24 committee of Congress, or an employee of a member
25 of a committee of Congress regarding a matter with-

1 in the jurisdiction of such committee shall be consid-
2 ered to be a contact with the committee.

3 (2) CONTACTS WITH HOUSE OF CONGRESS.—

4 For purposes of subsection (b)(2), any contact with
5 a Member of Congress or an employee of a Member
6 of Congress regarding a matter that is not within
7 the jurisdiction of a committee of Congress of which
8 that Member is a member shall be considered to be
9 a contact with the House of Congress of that Mem-
10 ber.

11 (3) CONTACTS WITH FEDERAL AGENCIES.—For

12 purposes of subsection (b)(2), any contact with a
13 covered executive branch official shall be considered
14 to be a contact with the Federal agency that em-
15 ploys that official, except that a contact with a cov-
16 ered executive branch official who is detailed to an-
17 other Federal agency or to the Congress shall be
18 considered to be a contact with the Federal agency
19 or with the committee of Congress or House of Con-
20 gress to which the official is detailed.

21 (e) EXTENSION FOR FILING.—The Director may
22 grant an extension of time of not more than 30 days for
23 the filing of any report under this section, upon the re-
24 quest of the registrant, for good cause shown.

1 **SEC. 1106. PROHIBITION ON GIFTS BY LOBBYISTS, LOBBY-**
2 **ING FIRMS, AND AGENTS OF FOREIGN PRIN-**
3 **CIPALS.**

4 (a) IN GENERAL.—

5 (1) PROHIBITION.—No lobbyist or lobbying
6 firm registered under this title and no agent of a
7 foreign principal registered under the Foreign
8 Agents Registration Act may provide a gift, directly
9 or indirectly, to any covered legislative branch offi-
10 cial.

11 (2) DEFINITION.—For purposes of this sec-
12 tion—

13 (A) the term “gift” means any gratuity,
14 favor, discount, entertainment, hospitality, loan,
15 forbearance, or other item having monetary
16 value and such term includes gifts of services,
17 training, transportation, lodging, and meals,
18 whether provided in kind, by purchase of a tick-
19 et, payment in advance, or reimbursement after
20 the expense has been incurred; and

21 (B) a gift to the spouse or dependent of a
22 covered legislative branch official (or a gift to
23 any other individual based on that individual’s
24 relationship with the covered legislative branch
25 official) shall be considered a gift to the covered
26 legislative branch official if it is given with the

1 knowledge and acquiescence of the covered leg-
2 islative branch official and is given because of
3 the official position of the covered legislative
4 branch official.

5 (b) GIFTS.—The prohibition in subsection (a) in-
6 cludes the following:

7 (1) Anything provided by a lobbyist or a foreign
8 agent which is paid for, charged to, or reimbursed
9 by a client or firm of such lobbyist or foreign agent.

10 (2) Anything provided by a lobbyist, a lobbying
11 firm, or a foreign agent to an entity that is main-
12 tained or controlled by a covered legislative branch
13 official.

14 (3) A charitable contribution (as defined in sec-
15 tion 170(c) of the Internal Revenue Code of 1986)
16 made by a lobbyist, a lobbying firm, or a foreign
17 agent on the basis of a designation, recommenda-
18 tion, or other specification of a covered legislative
19 branch official (not including a mass mailing or
20 other solicitation directed to a broad category of per-
21 sons or entities).

22 (4) A contribution or other payment by a lobby-
23 ist, a lobbying firm, or a foreign agent to a legal ex-
24 pense fund established for the benefit of a covered

1 legislative branch official or a covered executive
2 branch official.

3 (5) A charitable contribution (as defined in sec-
4 tion 170(c) of the Internal Revenue Code of 1986)
5 made by a lobbyist, a lobbying firm, or a foreign
6 agent in lieu of an honorarium to a covered legisla-
7 tive branch official.

8 (6) A financial contribution or expenditure
9 made by a lobbyist, a lobbying firm, or a foreign
10 agent relating to a conference, retreat, or similar
11 event, sponsored by or affiliated with an official con-
12 gressional organization, for or on behalf of covered
13 legislative branch officials.

14 (c) NOT GIFTS.—The following are not gifts subject
15 to the prohibition in subsection (a):

16 (1) Anything for which the recipient pays the
17 market value, or does not use and promptly returns
18 to the donor.

19 (2) A contribution, as defined in the Federal
20 Election Campaign Act of 1971 (2 U.S.C. 431 et
21 seq.) that is lawfully made under that Act, or at-
22 tendance at a fundraising event sponsored by a po-
23 litical organization described in section 527(e) of the
24 Internal Revenue Code of 1986.

1 (3) Food or refreshments of nominal value of-
2 ferred other than as part of a meal.

3 (4) Benefits resulting from the business, em-
4 ployment, or other outside activities of the spouse of
5 a covered legislative branch official, if such benefits
6 are customarily provided to others in similar cir-
7 cumstances.

8 (5) Pension and other benefits resulting from
9 continued participation in an employee welfare and
10 benefits plan maintained by a former employer.

11 (6) Informational materials that are sent to the
12 office of a covered legislative branch official in the
13 form of books, articles, periodicals, other written
14 materials, audiotapes, videotapes, or other forms of
15 communication.

16 (d) GIFTS GIVEN FOR A NONBUSINESS PURPOSE
17 AND MOTIVATED BY FAMILY RELATIONSHIP OR CLOSE
18 PERSONAL FRIENDSHIP.—

19 (1) IN GENERAL.—A gift given by an individual
20 under circumstances which make it clear that the
21 gift is given for a nonbusiness purpose and is moti-
22 vated by a family relationship or close personal
23 friendship and not by the position of the covered leg-
24 islative branch official shall not be subject to the
25 prohibition in subsection (a).

1 (2) NONBUSINESS PURPOSE.—A gift shall not
2 be considered to be given for a nonbusiness purpose
3 if the individual giving the gift seeks—

4 (A) to deduct the value of such gift as a
5 business expense on the individual's Federal in-
6 come tax return, or

7 (B) direct or indirect reimbursement or
8 any other compensation for the value of the gift
9 from a client or employer of such lobbyist or
10 foreign agent.

11 (3) FAMILY RELATIONSHIP OR CLOSE PER-
12 SONAL FRIENDSHIP.—In determining if the giving of
13 a gift is motivated by a family relationship or close
14 personal friendship, at least the following factors
15 shall be considered:

16 (A) The history of the relationship between
17 the individual giving the gift and the recipient
18 of the gift, including whether or not gifts have
19 previously been exchanged by such individuals.

20 (B) Whether the gift was purchased by the
21 individual who gave the item.

22 (C) Whether the individual who gave the
23 gift also at the same time gave the same or
24 similar gifts to other covered legislative branch
25 officials.

1 **SEC. 1107. OFFICE OF LOBBYING REGISTRATION AND PUB-**
2 **LIC DISCLOSURE.**

3 (a) ESTABLISHMENT AND DIRECTOR.—

4 (1) ESTABLISHMENT.—There is established an
5 executive agency to be known as the Office of Lob-
6 bying Registration and Public Disclosure.

7 (2) DIRECTOR.—(A) The Office shall be headed
8 by a Director, who shall be appointed by the Presi-
9 dent, by and with the advice and consent of the Sen-
10 ate.

11 (B) The Director shall be an individual who, by
12 demonstrated ability, background, training, and ex-
13 perience, is qualified to carry out the functions of
14 the position. The term of service of the Director
15 shall be 5 years. The Director may be removed for
16 cause.

17 (C) Section 5316 of title 5, United States Code,
18 is amended by adding at the end the following: “Di-
19 rector of the Office of Lobbying Registration and
20 Public Disclosure”.

21 (b) ADMINISTRATIVE POWERS.—The Director may—

22 (1) appoint officers and employees, including
23 attorneys, in accordance with chapter 51 and sub-
24 chapter III of chapter 53 of title 5, United States
25 Code, define their duties and responsibilities, and di-
26 rect and supervise their activities;

1 (2) contract for financial and administrative
2 services (including those related to budget and ac-
3 counting, financial reporting, personnel, and pro-
4 curement) with the General Services Administration,
5 or such Federal agency as the Director determines
6 appropriate, for which payment shall be made in ad-
7 vance or by reimbursement from funds of the Office
8 in such amounts as may be agreed upon by the Di-
9 rector and the head of the agency providing such
10 services, but the contract authority under this para-
11 graph shall be effective for any fiscal year only to
12 the extent that appropriations are available for that
13 purpose;

14 (3) request the head of any Federal department
15 or agency (who is hereby so authorized) to detail to
16 temporary duties with the Office such personnel
17 within the agency head's administrative jurisdiction
18 as the Office may need for carrying out its functions
19 under this title, with or without reimbursement;

20 (4) request agency heads to provide information
21 needed by the Office, which information shall be
22 supplied to the extent permitted by law;

23 (5) utilize, with their consent, the services and
24 facilities of Federal agencies with or without reim-
25 bursement;

1 (6) accept, use, and dispose of gifts or dona-
2 tions of services or property, real, personal, or
3 mixed, tangible or intangible, for purposes of aiding
4 or facilitating the work of the Office; and

5 (7) use the United States mails in the same
6 manner and under the same conditions as other de-
7 partments and agencies of the United States.

8 (c) COOPERATION WITH OTHER GOVERNMENTAL
9 AGENCIES.—In order to avoid unnecessary expense and
10 duplication of function among Government agencies, the
11 Office may make such arrangements or agreements for co-
12 operation or mutual assistance in the performance of its
13 functions under this title as is practicable and consistent
14 with law. The head of the General Services Administration
15 and each department, agency, or establishment of the
16 United States shall cooperate with the Office and, to the
17 extent permitted by law, provide such information, serv-
18 ices, personnel, and facilities as the Office may request
19 for its assistance in the performance of its functions under
20 this title.

21 (d) DUTIES.—The Director shall—

22 (1) after notice and a reasonable opportunity
23 for public comment, and consultation with the Sec-
24 retary of the Senate, the Clerk of the House of Rep-
25 resentatives, and the Administrative Conference of

1 the United States, prescribe such regulations, pen-
2 alty guidelines, and forms as are necessary to carry
3 out this title;

4 (2) provide guidance and assistance on the reg-
5 istration and reporting requirements of this title, in-
6 cluding—

7 (A) providing information to all registrants
8 at the time of registration about the obligations
9 of registered lobbyists under this title, and

10 (B) issuing published decisions and advi-
11 sory opinions;

12 (3) review the registrations and reports filed
13 under this title and make such verifications or in-
14 quiries as are necessary to ensure the completeness,
15 accuracy, and timeliness of the registrations and re-
16 ports;

17 (4) develop filing, coding, and cross-indexing
18 systems to carry out the purposes of this title, in-
19 cluding—

20 (A) a publicly available list of all registered
21 lobbyists and their clients; and

22 (B) computerized systems designed to min-
23 imize the burden of filing and maximize public
24 access to materials filed under this title;

1 (5) ensure that the computer systems developed
2 pursuant to paragraph (4)—

3 (A) allow the materials filed under this
4 title to be accessed by the client name, lobbyist
5 name, and registrant name;

6 (B) are compatible with computer systems
7 developed and maintained by the Federal Elec-
8 tion Commission, and that information filed in
9 the two systems can be readily cross-referenced;
10 and

11 (C) are compatible with computer systems
12 developed and maintained by the Secretary of
13 the Senate and the Clerk of the House of Rep-
14 resentatives;

15 (6) make copies of each registration and report
16 filed under this title available to the public, upon the
17 payment of reasonable fees, not to exceed the cost
18 of such copies, as determined by the Director, in
19 written and electronic formats, as soon as prac-
20 ticable after the date on which such registration or
21 report is received;

22 (7) preserve the originals or accurate reproduc-
23 tion of—

24 (A) registrations filed under this title for a
25 period that ends not less than 3 years after the

1 termination of the registration under section
2 1104(d); and

3 (B) reports filed under this title for a pe-
4 riod that ends not less than 3 years after the
5 date on which the report is received;

6 (8) maintain a computer record of—

7 (A) the information contained in registra-
8 tions for a period that ends not less than 5
9 years after the termination of the registration
10 under section 1104(d); and

11 (B) the information contained in reports
12 filed under this title for a period that ends not
13 less than 5 years after the date on which the
14 reports are received;

15 (9) compile and summarize, with respect to
16 each semiannual period, the information contained
17 in registrations and reports filed with respect to
18 such period in a manner which clearly presents the
19 extent and nature of expenditures on lobbying activi-
20 ties during such period;

21 (10) make information compiled and summa-
22 rized under paragraph (9) available to the public in
23 electronic and hard copy formats as soon as prac-
24 ticable after the close of each semiannual filing pe-
25 riod;

1 (11) provide, by computer telecommunication or
2 other transmittal in a form accessible by computer,
3 to the Secretary of the Senate and the Clerk of the
4 House of Representatives copies of all registrations
5 and reports received under sections 1104 and 1105
6 and all compilations, cross-indexes, and summaries
7 of such registrations and reports, as soon as prac-
8 ticable (but not later than 3 working days) after
9 such material is received or created;

10 (12) make available to the public a list of all
11 persons whom the Director determines, under sec-
12 tion 1109 (after exhaustion of all appeals under sec-
13 tion 1111) to have committed a major or minor vio-
14 lation of this title and submit such list to the Con-
15 gress as part of the report provided for under para-
16 graph (13);

17 (13) make available to the public upon request
18 and transmit to the President, the Secretary of the
19 Senate, the Clerk of the House of Representatives,
20 the Committee on Governmental Affairs of the Sen-
21 ate, and the Committee on the Judiciary of the
22 House of Representatives a report, not later than
23 March 31 of each year, describing the activities of
24 the Office and the implementation of this title, in-
25 cluding—

1 (A) a financial statement for the preceding
2 fiscal year;

3 (B) a summary of the registrations and re-
4 ports filed with the Office with respect to the
5 preceding calendar year;

6 (C) a summary of the registrations and re-
7 ports filed on behalf of foreign entities with re-
8 spect to the preceding calendar year; and

9 (D) recommendations for such legislative
10 or other action as the Director considers appro-
11 priate; and

12 (14) study the appropriateness of the definition
13 of “public official” under section 1103(17) and
14 make recommendations for any change in such defi-
15 nition in the first report filed pursuant to paragraph
16 (13).

17 **SEC. 1108. INITIAL PROCEDURE FOR ALLEGED VIOLA-**
18 **TIONS.**

19 (a) ALLEGATION OF A VIOLATION.—Whenever the
20 Office of Lobbying Registration and Public Disclosure has
21 reason to believe that a person or entity may be in viola-
22 tion of the requirements of this title, the Director shall
23 notify the person or entity in writing of the nature of the
24 alleged violation and provide an opportunity for the person
25 or entity to respond in writing to the allegation within 30

1 days after the notification is sent or such longer period
2 as the Director may determine appropriate in the cir-
3 cumstances.

4 (b) INITIAL DETERMINATION.—

5 (1) IN GENERAL.—If the person or entity re-
6 sponds within the period described in the notification
7 under subsection (a), the Director shall—

8 (A) issue a written determination that the
9 person or entity has not violated this title if the
10 person or entity provides adequate information
11 or explanation to make such determination; or

12 (B) make a formal request for information
13 under subsection (c) or a notification under sec-
14 tion 1109(a), if the information or explanation
15 provided is not adequate to make a determina-
16 tion under subparagraph (A).

17 (2) WRITTEN DECISION.—If the Director makes
18 a determination under paragraph (1)(A), the Direc-
19 tor shall issue a public written decision in accord-
20 ance with section 1110.

21 (c) FORMAL REQUEST FOR INFORMATION.—If a per-
22 son or entity fails to respond in writing within the period
23 described in the notification under subsection (a) or the
24 response is not adequate to determine whether such per-
25 son or entity has violated this title, the Director may make

1 a formal request for specific additional written informa-
2 tion (subject to applicable privileges) that is reasonably
3 necessary for the Director to make such determination.
4 Each such request shall be structured to minimize any
5 burden imposed, consistent with the need to determine
6 whether the person or entity is in compliance with this
7 title, and shall—

8 (1) state the nature of the conduct constituting
9 the alleged violation which is the basis for the in-
10 quiry and the provision of law applicable thereto;

11 (2) describe the class or classes of material to
12 be produced pursuant to the request with such defi-
13 niteness and certainty as to permit such material to
14 be readily identified; and

15 (3) prescribe a return date or dates which pro-
16 vide a reasonable period of time within which the
17 person or entity may assemble and make available
18 for inspection and copying or reproduction the mate-
19 rial so requested.

20 **SEC. 1109. DETERMINATIONS OF VIOLATIONS.**

21 (a) NOTIFICATION AND HEARING.—If the informa-
22 tion provided to the Director under section 1108 indicates
23 that a person or entity may have violated this title, the
24 Director shall—

1 (1) notify the person or entity in writing of this
2 finding and, if appropriate, a proposed penalty as-
3 sessment and provide such person or entity with an
4 opportunity to respond in writing within 30 days
5 after the notice is sent; and

6 (2) if requested in writing by that person or en-
7 tity within that 30-day period, afford the person or
8 entity an opportunity for a hearing on the record
9 under the provisions of section 554 of title 5, United
10 States Code.

11 (b) DETERMINATION.—Upon the receipt of a written
12 response under subsection (a)(1) when no hearing under
13 subsection (a)(2) is requested, upon the completion of a
14 hearing requested under subsection (a)(2), or upon the ex-
15 piration of 30 days in a case in which no such written
16 response is received, the Director shall review the informa-
17 tion received under section 1108 and this section (includ-
18 ing evidence presented at any such hearing) and make a
19 final determination whether there was a violation and a
20 final determination of the penalty, if any. If no written
21 response was received under this section within the 30-
22 day period provided, the determination and penalty assess-
23 ment shall constitute a final order not subject to appeal.

24 (c) WRITTEN DECISION.—

1 (1) DETERMINATION OF VIOLATION.—If the
2 Director makes a final determination under sub-
3 section (b) that there was a violation, the Director
4 shall issue a written decision in accordance with sec-
5 tion 1110—

6 (A) directing the person or entity to cor-
7 rect the violation; and

8 (B) assessing a civil monetary penalty—

9 (i) in the case of a minor violation,
10 which shall be no more than \$10,000, de-
11 pending on the extent and gravity of the
12 violation;

13 (ii) in the case of a major violation,
14 which shall be more than \$10,000, but no
15 more than \$100,000, depending on the ex-
16 tent and gravity of the violation;

17 (iii) in the case of a late registration
18 or filing, which shall be \$200 for each
19 week by which the registration or filing
20 was late, unless the Director determines
21 that the failure to timely register or file
22 constitutes a major violation (as defined
23 under subsection (e)(2)) in which case the
24 amount shall be as prescribed by clause
25 (ii); or

1 (iv) in the case of a failure to provide
2 information requested by the Director pur-
3 suant to section 1108(c), which shall be no
4 more than \$10,000, depending on the ex-
5 tent and gravity of the violation, except
6 that no penalty shall be assessed if the Di-
7 rector determines that the violation was
8 the result of a good faith dispute over the
9 validity or appropriate scope of a request
10 for information.

11 (2) DETERMINATION OF NO VIOLATION OR IN-
12 SUFFICIENT EVIDENCE.—If the Director determines
13 that no violation occurred or there was not sufficient
14 evidence that a violation occurred, the Director shall
15 issue a written decision in accordance with section
16 1110.

17 (d) CIVIL INJUNCTIVE RELIEF.—If a person or en-
18 tity fails to comply with a directive to correct a violation
19 under subsection (c), the Director shall refer the case to
20 the Attorney General to seek civil injunctive relief in the
21 appropriate court of the United States to compel such per-
22 son or entity to comply with such directive.

23 (e) PENALTY ASSESSMENTS.—

24 (1) GENERAL RULE.—No penalty shall be as-
25 sessed under this section unless the Director finds

1 that the person or entity subject to the penalty knew
2 or should have known that such person or entity was
3 in violation of this title. In determining the amount
4 of a penalty to be assessed, the Director shall take
5 into account the totality of the circumstances, in-
6 cluding the extent and gravity of the violation,
7 whether the violation was voluntarily admitted and
8 corrected, the extent to which the person or entity
9 may have profited from the violation, the ability of
10 the person or entity to pay, and such other matters
11 as justice may require.

12 (2) REGULATIONS.—Regulations prescribed by
13 the Director under section 1107 shall define major
14 and minor violations. Major violations shall be de-
15 fined to include a failure to register and any other
16 violation that is extensive or repeated, if the person
17 or entity who failed to register or committed such
18 other violation—

19 (A) had actual knowledge that the conduct
20 constituted a violation;

21 (B) acted in deliberate ignorance of the
22 provisions of this title or regulations related to
23 the conduct constituting a violation; or

1 (C) acted in reckless disregard of the pro-
2 visions of this title or regulations related to the
3 conduct constituting a violation.

4 (f) LIMITATION.—No proceeding shall be initiated
5 under section 1108 or this section unless the Director no-
6 tifies the person or entity who is to be the subject of the
7 proceeding of the alleged violation within 3 years after the
8 date on which the alleged violation occurred.

9 **SEC. 1110. DISCLOSURE OF INFORMATION; WRITTEN DECI-**
10 **SIONS.**

11 (a) DISCLOSURE OF INFORMATION.—Information
12 provided to the Director pursuant to sections 1108 and
13 1109 shall not be made available to the public without the
14 consent of the person or entity providing the information,
15 except to the extent that such information may be included
16 in—

17 (1) a new or amended report or registration
18 filed under this title; or

19 (2) a written decision issued by the Director
20 under this section.

21 (b) WRITTEN DECISIONS.—All written decisions is-
22 sued by the Director under sections 1108 and 1109 shall
23 be made available to the public. The Director may provide
24 for the publication of a written decision if the Director

1 determines that publication would provide useful guidance.

2 Before making a written decision public, the Director—

3 (1) shall delete information that would identify
4 a person or entity who was alleged to have violated
5 this title if—

6 (A) there was insufficient evidence to de-
7 termine that the person or entity violated this
8 title or the Director found that person or entity
9 did not violate this title, and

10 (B) the person or entity so requests; and

11 (2) shall delete information that would identify
12 any other person or entity (other than a person or
13 entity who was found to have violated this title), if
14 the Director determines that such person or entity
15 could reasonably be expected to be injured by the
16 disclosure of such information.

17 **SEC. 1111. JUDICIAL REVIEW.**

18 (a) FINAL DECISION.—A written decision issued by
19 the Director under section 1109 shall become final 60
20 days after the date on which the Director provides notice
21 of the decision, unless such decision is appealed under sub-
22 section (b) of this section.

23 (b) APPEAL.—Any person or entity adversely affected
24 by a written decision issued by the Director under section
25 1109 may appeal such decision, except as provided under

1 section 1109(b), to the appropriate United States court
2 of appeals. Such review may be obtained by filing a written
3 notice of appeal in such court no later than 60 days after
4 the date on which the Director provides notice of the Di-
5 rector's decision and by simultaneously sending a copy of
6 such notice of appeal to the Director. The Director shall
7 file in such court the record upon which the decision was
8 issued, as provided under section 2112 of title 28, United
9 States Code. The findings of fact of the Director shall be
10 conclusive, unless found to be unsupported by substantial
11 evidence, as provided under section 706(2)(E) of title 5,
12 United States Code. Any penalty assessed or other action
13 taken in the decision shall be stayed during the pendency
14 of the appeal.

15 (c) RECOVERY OF PENALTY.—Any penalty assessed
16 in a written decision which has become final under this
17 title may be recovered in a civil action brought by the At-
18 torney General in an appropriate United States district
19 court. In any such action, no matter that was raised or
20 that could have been raised before the Director or pursu-
21 ant to judicial review under subsection (b) may be raised
22 as a defense, and the determination of liability and the
23 determination of amounts of penalties and assessments
24 shall not be subject to review.

1 **SEC. 1112. RULES OF CONSTRUCTION.**

2 (a) CONSTITUTIONAL RIGHTS.—Nothing in this title
3 shall be construed to prohibit or interfere with—

4 (1) the right to petition the government for the
5 redress of grievances;

6 (2) the right to express a personal opinion; or

7 (3) the right of association,

8 protected by the first amendment to the Constitution.

9 (b) PROHIBITION OF ACTIVITIES.—Nothing in this
10 title shall be construed to prohibit, or to authorize the Di-
11 rector or any court to prohibit, lobbying activities or lobby-
12 ing contacts by any person or entity, regardless of whether
13 such person or entity is in compliance with the require-
14 ments of this title.

15 (c) AUDIT AND INVESTIGATIONS.—Nothing in this
16 title shall be construed to grant general audit or investiga-
17 tive authority to the Director.

18 **SEC. 1113. AMENDMENTS TO THE FOREIGN AGENTS REG-**
19 **ISTRATION ACT.**

20 The Foreign Agents Registration Act of 1938 (22
21 U.S.C. 611 et seq.) is amended—

22 (1) in section 1—

23 (A) by striking subsection (j);

24 (B) in subsection (o) by striking “the dis-
25 semination of political propaganda and any
26 other activity which the person engaging therein

1 believes will, or which he intends to, prevail
2 upon, indoctrinate, convert, induce, persuade,
3 or in any other way influence” and inserting
4 “any activity that the person engaging in be-
5 lieves will, or that the person intends to, in any
6 way influence”;

7 (C) in subsection (p) by striking the semi-
8 colon and inserting a period; and

9 (D) by striking subsection (q);

10 (2) in section 3(g) (22 U.S.C. 613(g)), by strik-
11 ing “established agency proceedings, whether formal
12 or informal.” and inserting “judicial proceedings,
13 criminal or civil law enforcement inquiries, investiga-
14 tions, or proceedings, or agency proceedings required
15 by statute or regulation to be conducted on the
16 record.”;

17 (3) in section 3 (22 U.S.C. 613) by adding at
18 the end the following:

19 “(h) Any agent of a person described in section
20 1(b)(2) or an entity described in section 1(b)(3) if the
21 agent is required to register and does register under the
22 Lobbying Disclosure Act of 1994 in connection with the
23 agent’s representation of such person or entity.”;

24 (4) in section 4(a) (22 U.S.C. 614(a))—

1 (A) by striking “political propaganda” and
2 inserting “informational materials”; and

3 (B) by striking “and a statement, duly
4 signed by or on behalf of such an agent, setting
5 forth full information as to the places, times,
6 and extent of such transmittal”;

7 (5) in section 4(b) (22 U.S.C. 614(b))—

8 (A) in the matter preceding clause (i), by
9 striking “political propaganda” and inserting
10 “informational materials”; and

11 (B) by striking “(i) in the form of prints,
12 or” and all that follows through the end of the
13 subsection and inserting “without placing in
14 such informational materials a conspicuous
15 statement that the materials are distributed by
16 the agent on behalf of the foreign principal, and
17 that additional information is on file with the
18 Department of Justice, Washington, District of
19 Columbia. The Attorney General may by rule
20 define what constitutes a conspicuous statement
21 for the purposes of this subsection.”;

22 (6) in section 4(c) (22 U.S.C. 614(c)), by strik-
23 ing “political propaganda” and inserting “informa-
24 tional materials”;

25 (7) in section 6 (22 U.S.C. 616)—

1 (A) in subsection (a) by striking “and all
2 statements concerning the distribution of politi-
3 cal propaganda”;

4 (B) in subsection (b) by striking “, and
5 one copy of every item of political propaganda”;
6 and

7 (C) in subsection (c) by striking “copies of
8 political propaganda,”;

9 (8) in section 8 (22 U.S.C. 618)—

10 (A) in subsection (a)(2) by striking “or in
11 any statement under section 4(a) hereof con-
12 cerning the distribution of political propa-
13 ganda”; and

14 (B) by striking subsection (d); and

15 (9) in section 11 (22 U.S.C. 621) by striking
16 “, including the nature, sources, and content of po-
17 litical propaganda disseminated or distributed”.

18 **SEC. 1114. AMENDMENTS TO THE BYRD AMENDMENT.**

19 (a) REVISED CERTIFICATION REQUIREMENTS.—Sec-
20 tion 1352(b) of title 31, United States Code, is amended—

21 (1) in paragraph (2) by striking subparagraphs
22 (A), (B), and (C) and inserting the following:

23 “(A) the name of any registrant under the
24 Lobbying Disclosure Act of 1994 who has made
25 lobbying contacts on behalf of the person with

1 respect to that Federal contract, grant, loan, or
2 cooperative agreement; and

3 “(B) a certification that the person making
4 the declaration has not made, and will not
5 make, any payment prohibited by subsection
6 (a).”;

7 (2) in paragraph (3) by striking all that follows
8 “loan shall contain” and inserting “the name of any
9 registrant under the Lobbying Disclosure Act of
10 1994 who has made lobbying contacts on behalf of
11 the person in connection with that loan insurance or
12 guarantee.”; and

13 (3) by striking paragraph (6) and redesignating
14 paragraph (7) as paragraph (6).

15 (b) REMOVAL OF OBSOLETE REPORTING REQUIRE-
16 MENT.—Section 1352 of title 31, United States Code, is
17 further amended—

18 (1) by striking subsection (d); and

19 (2) by redesignating subsections (e), (f), (g),
20 and (h) as subsections (d), (e), (f), and (g), respec-
21 tively.

22 **SEC. 1115. REPEAL OF CERTAIN LOBBYING PROVISIONS.**

23 (a) REPEAL OF THE FEDERAL REGULATION OF LOB-
24 BYING ACT.—The Federal Regulation of Lobbying Act (2
25 U.S.C. 261 et seq.) is repealed.

1 (b) REPEAL OF PROVISIONS RELATING TO HOUSING
2 LOBBYIST ACTIVITIES.—

3 (1) Section 13 of the Department of Housing
4 and Urban Development Act (42 U.S.C. 3537b) is
5 repealed.

6 (2) Section 536(d) of the Housing Act of 1949
7 (42 U.S.C. 1490p(d)) is repealed.

8 **SEC. 1116. CONFORMING AMENDMENTS TO OTHER STAT-**
9 **UTES.**

10 (a) AMENDMENT TO COMPETITIVENESS POLICY
11 COUNCIL ACT.—Section 5206(e) of the Competitiveness
12 Policy Council Act (15 U.S.C. 4804(e)) is amended by in-
13 serting “or a lobbyist for a foreign entity (as the terms
14 ‘lobbyist’ and ‘foreign entity’ are defined under section
15 1103 of the Lobbying Disclosure Act of 1994)” after “an
16 agent for a foreign principal”.

17 (b) AMENDMENTS TO TITLE 18, UNITED STATES
18 CODE.—Section 219(a) of title 18, United States Code,
19 is amended—

20 (1) by inserting “or a lobbyist required to reg-
21 ister under the Lobbying Disclosure Act of 1994 in
22 connection with the representation of a foreign en-
23 tity, as defined in section 1103(7) of that Act” after
24 “an agent of a foreign principal required to register

1 under the Foreign Agents Registration Act of
2 1938”; and

3 (2) by striking out “, as amended,”.

4 (c) AMENDMENT TO FOREIGN SERVICE ACT OF
5 1980.—Section 602(c) of the Foreign Service Act of 1980
6 (22 U.S.C. 4002(c)) is amended by inserting “or a lobby-
7 ist for a foreign entity (as defined in section 1103(7) of
8 the Lobbying Disclosure Act of 1994)” after “an agent
9 of a foreign principal (as defined by section 1(b) of the
10 Foreign Agents Registration Act of 1938)”.

11 **SEC. 1117. SEVERABILITY.**

12 If any provision of this title, or the application there-
13 of, is held invalid, the validity of the remainder of this
14 title and the application of such provision to other persons
15 and circumstances shall not be affected thereby.

16 **SEC. 1118. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated for fiscal
18 years 1995, 1996, 1997, 1998, and 1999 such sums as
19 may be necessary to carry out this title.

20 **SEC. 1119. IDENTIFICATION OF CLIENTS AND COVERED OF-**
21 **FICIALS.**

22 (a) ORAL LOBBYING CONTACTS.—Any person or en-
23 tity that makes an oral lobbying contact with a covered
24 legislative branch official or a covered executive branch of-

1 ficial shall, on the request of the official at the time of
2 the lobbying contact—

3 (1) state whether the person or entity is reg-
4 istered under this title and identify the client on
5 whose behalf the lobbying contact is made; and

6 (2) state whether such client is a foreign entity
7 and identify any foreign entity required to be dis-
8 closed under section 1104(b)(4) that has a direct in-
9 terest in the outcome of the lobbying activity.

10 (b) WRITTEN LOBBYING CONTACTS.—Any person or
11 entity registered under this title that makes a written lob-
12 bing contact (including an electronic communication)
13 with a covered legislative branch official or a covered exec-
14 utive branch official shall—

15 (1) if the client on whose behalf the lobbying
16 contact was made is a foreign entity, identify such
17 client, state that the client is considered a foreign
18 entity under this title, and state whether the person
19 making the lobbying contact is registered on behalf
20 of that client under section 1104; and

21 (2) identify any other foreign entity identified
22 pursuant to section 1104(b)(4) that has a direct in-
23 terest in the outcome of the lobbying activity.

24 (c) IDENTIFICATION AS COVERED OFFICIAL.—Upon
25 request by a person or entity making a lobbying contact,

1 the individual who is contacted or the office employing
2 that individual shall indicate whether or not the individual
3 is a covered legislative branch official or a covered execu-
4 tive branch official.

5 **SEC. 1120. TRANSITIONAL FILING REQUIREMENT.**

6 (a) SIMULTANEOUS FILING.—Subject to subsection
7 (b), each registrant shall transmit simultaneously to the
8 Secretary of the Senate and the Clerk of the House of
9 Representatives an identical copy of each registration and
10 report required to be filed under this title.

11 (b) SUNSET PROVISION.—The simultaneous filing re-
12 quirement under subsection (a) shall be effective until
13 such time as the Director, in consultation with the Sec-
14 retary of the Senate and the Clerk of the House of Rep-
15 resentatives, determines that the Office of Lobbying Reg-
16 istration and Public Disclosure is able to provide computer
17 telecommunication or other transmittal of registrations
18 and reports as required under section 1107(b)(11).

19 (c) IMPLEMENTATION.—The Director, the Secretary
20 of the Senate, and the Clerk of the House of Representa-
21 tives shall take such actions as necessary to ensure that
22 the Office of Lobbying Registration and Public Disclosure
23 is able to provide computer telecommunication or other
24 transmittal of registrations and reports as required under

1 section 1107(b)(11) on the effective date of this title, or
2 as soon thereafter as reasonably practicable.

3 **SEC. 1121. ESTIMATES BASED ON TAX REPORTING SYSTEM.**

4 (a) ENTITIES COVERED BY SECTION 6033(b) OF THE
5 INTERNAL REVENUE CODE OF 1986.—A registrant that
6 is required to report and does report lobbying expenditures
7 pursuant to section 6033(b)(8) of the Internal Revenue
8 Code of 1986 may—

9 (1) make a good faith estimate (by category of
10 dollar value) of applicable amounts that would be re-
11 quired to be disclosed under such section for the ap-
12 propriate semiannual period to meet the require-
13 ments of sections 1104(a)(3), 1105(a)(2), and
14 1105(b)(4); and

15 (2) in lieu of using the definition of “lobbying
16 activities” in section 1103(8) of this title, consider
17 as lobbying activities only those activities that are
18 influencing legislation as defined in section 4911(d)
19 of the Internal Revenue Code of 1986.

20 (b) ENTITIES COVERED BY SECTION 162(e) OF THE
21 INTERNAL REVENUE CODE OF 1986.—A registrant that
22 is required to account for lobbying expenditures and does
23 account for lobbying expenditures pursuant to section
24 162(e) of the Internal Revenue Code of 1986 may—

1 (1) make a good faith estimate (by category of
2 dollar value) of applicable amounts that would not
3 be deductible pursuant to such section for the appro-
4 priate semiannual period to meet the requirements
5 of sections 1104(a)(3), 1105(a)(2), and 1105(b)(4);
6 and

7 (2) in lieu of using the definition of “lobbying
8 activities” in section 1103(8) of this title, consider
9 as lobbying activities only those activities, the costs
10 of which are not deductible pursuant to section
11 162(e) of the Internal Revenue Code of 1986.

12 (c) DISCLOSURE OF ESTIMATE.—Any registrant that
13 elects to make estimates required by this title under the
14 procedures authorized by subsection (a) or (b) for report-
15 ing or threshold purposes shall—

16 (1) inform the Director that the registrant has
17 elected to make its estimates under such procedures;
18 and

19 (2) make all such estimates, in a given calendar
20 year, under such procedures.

21 (d) STUDY.—Not later than March 31, 1997, the
22 Comptroller General of the United States shall review re-
23 porting by registrants under subsections (a) and (b) and
24 report to the Congress—

1 (1) the differences between the definition of
2 “lobbying activities” in section 1103(8) and the defi-
3 nitions of “lobbying expenditures”, “influencing leg-
4 islation”, and related terms in sections 162(e) and
5 4911 of the Internal Revenue Code of 1986, as each
6 are implemented by regulations;

7 (2) the impact that any such differences may
8 have on filing and reporting under this title pursu-
9 ant to this subsection; and

10 (3) any changes to this title or to the appro-
11 priate sections of the Internal Revenue Code of 1986
12 that the Comptroller General may recommend to
13 harmonize the definitions.

14 **SEC. 1122. EFFECTIVE DATES AND INTERIM RULES.**

15 (a) **IN GENERAL.**—Except as otherwise provided in
16 this section, this title and the amendments made by this
17 title shall take effect January 1, 1996.

18 (b) **EFFECTIVE DATE OF GIFT PROHIBITION.**—Sec-
19 tion 1106 shall take effect on January 3, 1995. Beginning
20 on that date, and for the remainder of calendar year 1995,
21 such section shall apply to any gift provided by a lobbyist
22 or an agent of a foreign principal registered under the
23 Federal Regulation of Lobbying Act or the Foreign Agents
24 Registration Act, including any person registered under
25 such Acts as of July 1, 1994, or thereafter.

1 (c) ESTABLISHMENT OF OFFICE.—Sections 1107
2 and 1118 shall take effect on the date of enactment of
3 this Act.

4 (d) REPEALS AND AMENDMENTS.—The repeals and
5 amendments made under sections 1113, 1114, 1115, and
6 1116 shall take effect as provided under subsection (a),
7 except that such repeals and amendments—

8 (1) shall not affect any proceeding or suit com-
9 menced before the effective date under subsection
10 (a), and in all such proceedings or suits, proceedings
11 shall be had, appeals taken, and judgments rendered
12 in the same manner and with the same effect as if
13 this title had not been enacted; and

14 (2) shall not affect the requirements of Federal
15 agencies to compile, publish, and retain information
16 filed or received before the effective date of such re-
17 peals and amendments.

18 (e) REGULATIONS.—Proposed regulations required to
19 implement this title shall be published for public comment
20 no later than 270 days after the date of the enactment
21 of this Act. No later than 1 year after the date of the
22 enactment of this Act, final regulations required to imple-
23 ment this title shall be published.

24 (f) PHASE-IN PERIOD.—No penalty shall be assessed
25 by the Director under section 1109(e) for a violation of

1 this title, other than for a violation of section 1106, which
2 occurs during the first semiannual reporting period under
3 section 1105 after the effective date prescribed by sub-
4 section (a).

5 (g) INTERIM DIRECTOR.—Within 30 days after the
6 date of the enactment of this Act, the President shall des-
7 ignate an interim Director of the Office of Lobbying Reg-
8 istration and Public Disclosure, who shall serve at the
9 pleasure of the President until a Director of such Office
10 has been nominated by the President and confirmed by
11 the Senate. The interim Director may not promulgate
12 final regulations pursuant to section 1107(d) or initiate
13 procedures for alleged violations pursuant to section 1108.

14 **TITLE II—CONGRESSIONAL GIFT**
15 **REFORM**

16 **SEC. 1201. AMENDMENTS TO SENATE RULES.**

17 Rule XXXV of the Standing Rules of the Senate is
18 amended to read as follows:

19 “1. No Member, officer, or employee of the Senate
20 shall accept a gift, knowing that such gift is provided by
21 a registered lobbyist, a lobbying firm, or an agent of a
22 foreign principal in violation of the Lobbying Disclosure
23 Act of 1994.

24 “2. (a) In addition to the restriction on receiving gifts
25 from registered lobbyists, lobbying firms, and agents of

1 foreign principals provided by paragraph 1 and except as
2 provided in this Rule, no Member, officer, or employee of
3 the Senate shall knowingly accept a gift from any other
4 person.

5 “(b)(1) For the purpose of this Rule, the term ‘gift’
6 means any gratuity, favor, discount, entertainment, hospi-
7 tality, loan, forbearance, or other item having monetary
8 value. The term includes gifts of services, training, trans-
9 portation, lodging, and meals, whether provided in kind,
10 by purchase of a ticket, payment in advance, or reimburse-
11 ment after the expense has been incurred.

12 “(2) A gift to the spouse or dependent of a Member,
13 officer, or employee (or a gift to any other individual based
14 on that individual’s relationship with the Member, officer,
15 or employee) shall be considered a gift to the Member,
16 officer, or employee if it is given with the knowledge and
17 acquiescence of the Member, officer, or employee and the
18 Member, officer, or employee has reason to believe the gift
19 was given because of the official position of the Member,
20 officer, or employee.

21 “(c) The restrictions in subparagraph (a) shall not
22 apply to the following:

23 “(1) Anything for which the Member, officer, or
24 employee pays the market value, or does not use and
25 promptly returns to the donor.

1 “(2) A contribution, as defined in the Federal
2 Election Campaign Act of 1971 (2 U.S.C. 431 et
3 seq.) that is lawfully made under that Act, or at-
4 tendance at a fundraising event sponsored by a po-
5 litical organization described in section 527(e) of the
6 Internal Revenue Code of 1986.

7 “(3) Anything provided by an individual on the
8 basis of a personal or family relationship unless the
9 Member, officer, or employee has reason to believe
10 that, under the circumstances, the gift was provided
11 because of the official position of the Member, offi-
12 cer, or employee and not because of the personal or
13 family relationship. The Select Committee on Ethics
14 shall provide guidance on the applicability of this
15 clause and examples of circumstances under which a
16 gift may be accepted under this exception.

17 “(4) A contribution or other payment to a legal
18 expense fund established for the benefit of a Mem-
19 ber, officer, or employee, that is otherwise lawfully
20 made, if the person making the contribution or pay-
21 ment is identified for the Select Committee on Eth-
22 ics.

23 “(5) Any food or refreshments which the recipi-
24 ent reasonably believes to have a value of less than
25 \$20.

1 “(6) Any gift from another Member, officer, or
2 employee of the Senate or the House of Representa-
3 tives.

4 “(7) Food, refreshments, lodging, and other
5 benefits—

6 “(A) resulting from the outside business or
7 employment activities (or other outside activi-
8 ties that are not connected to the duties of the
9 Member, officer, or employee as an officeholder)
10 of the Member, officer, or employee, or the
11 spouse of the Member, officer, or employee, if
12 such benefits have not been offered or enhanced
13 because of the official position of the Member,
14 officer, or employee and are customarily pro-
15 vided to others in similar circumstances;

16 “(B) customarily provided by a prospective
17 employer in connection with bona fide employ-
18 ment discussions; or

19 “(C) provided by a political organization
20 described in section 527(e) of the Internal Rev-
21 enue Code of 1986 in connection with a fund-
22 raising or campaign event sponsored by such an
23 organization.

1 “(8) Pension and other benefits resulting from
2 continued participation in an employee welfare and
3 benefits plan maintained by a former employer.

4 “(9) Informational materials that are sent to
5 the office of the Member, officer, or employee in the
6 form of books, articles, periodicals, other written
7 materials, audiotapes, videotapes, or other forms of
8 communication.

9 “(10) Awards or prizes which are given to com-
10 petitors in contests or events open to the public, in-
11 cluding random drawings.

12 “(11) Honorary degrees (and associated travel,
13 food, refreshments, and entertainment) and other
14 bona fide, nonmonetary awards presented in recogni-
15 tion of public service (and associated food, refresh-
16 ments, and entertainment provided in the presen-
17 tation of such degrees and awards).

18 “(12) Donations of products from the State
19 that the Member represents that are intended pri-
20 marily for promotional purposes, such as display or
21 free distribution, and are of minimal value to any in-
22 dividual recipient.

23 “(13) Food, refreshments, and entertainment
24 provided to a Member or an employee of a Member
25 in the Member’s home State, subject to reasonable

1 limitations, to be established by the Committee on
2 Rules and Administration.

3 “(14) An item of little intrinsic value such as
4 a greeting card, baseball cap, or a T shirt.

5 “(15) Training (including food and refresh-
6 ments furnished to all attendees as an integral part
7 of the training) provided to a Member, officer, or
8 employee, if such training is in the interest of the
9 Senate.

10 “(16) Bequests, inheritances, and other trans-
11 fers at death.

12 “(17) Any item, the receipt of which is author-
13 ized by the Foreign Gifts and Decorations Act, the
14 Mutual Educational and Cultural Exchange Act, or
15 any other statute.

16 “(18) Anything which is paid for by the Federal
17 Government, by a State or local government, or se-
18 cured by the Government under a Government con-
19 tract.

20 “(19) A gift of personal hospitality of an indi-
21 vidual, as defined in section 109(14) of the Ethics
22 in Government Act.

23 “(20) Free attendance at a widely attended
24 event permitted pursuant to subparagraph (d).

25 “(21) Opportunities and benefits which are—

1 “(A) available to the public or to a class
2 consisting of all Federal employees, whether or
3 not restricted on the basis of geographic consid-
4 eration;

5 “(B) offered to members of a group or
6 class in which membership is unrelated to con-
7 gressional employment;

8 “(C) offered to members of an organiza-
9 tion, such as an employees’ association or con-
10 gressional credit union, in which membership is
11 related to congressional employment and similar
12 opportunities are available to large segments of
13 the public through organizations of similar size;

14 “(D) offered to any group or class that is
15 not defined in a manner that specifically dis-
16 criminate among Government employees on the
17 basis of branch of Government or type of re-
18 sponsibility, or on a basis that favors those of
19 higher rank or rate of pay;

20 “(E) in the form of loans from banks and
21 other financial institutions on terms generally
22 available to the public; or

23 “(F) in the form of reduced membership or
24 other fees for participation in organization ac-
25 tivities offered to all Government employees by

1 professional organizations if the only restric-
2 tions on membership relate to professional
3 qualifications.

4 “(22) A plaque, trophy, or other memento of
5 modest value.

6 “(23) Anything for which, in an unusual case,
7 a waiver is granted by the Select Committee on Eth-
8 ics.

9 “(d)(1) Except as prohibited by paragraph 1, a Mem-
10 ber, officer, or employee may accept an offer of free at-
11 tendance at a widely attended convention, conference,
12 symposium, forum, panel discussion, dinner, viewing, re-
13 ception, or similar event, provided by the sponsor of the
14 event, if—

15 “(A) the Member, officer, or employee partici-
16 pates in the event as a speaker or a panel partici-
17 pant, by presenting information related to Congress
18 or matters before Congress, or by performing a cere-
19 monial function appropriate to the Member’s, offi-
20 cer’s, or employee’s official position; or

21 “(B) attendance at the event is appropriate to
22 the performance of the official duties or representa-
23 tive function of the Member, officer, or employee.

24 “(2) A Member, officer, or employee who attends an
25 event described in clause (1) may accept a sponsor’s unso-

1 licited offer of free attendance at the event for an accom-
2 panying individual if others in attendance will generally
3 be similarly accompanied or if such attendance is appro-
4 priate to assist in the representation of the Senate.

5 “(3) Except as prohibited by paragraph 1, a Member,
6 officer, or employee, or the spouse or dependent thereof,
7 may accept a sponsor’s unsolicited offer of free attendance
8 at a charity event, except that reimbursement for trans-
9 portation and lodging may not be accepted in connection
10 with the event.

11 “(4) For purposes of this paragraph, the term ‘free
12 attendance’ may include waiver of all or part of a con-
13 ference or other fee, the provision of local transportation,
14 or the provision of food, refreshments, entertainment, and
15 instructional materials furnished to all attendees as an in-
16 tegral part of the event. The term does not include enter-
17 tainment collateral to the event, or food or refreshments
18 taken other than in a group setting with all or substan-
19 tially all other attendees.

20 “(e) No Member, officer, or employee may accept a
21 gift the value of which exceeds \$250 on the basis of the
22 personal relationship exception in subparagraph (c)(3) or
23 the close personal friendship exception in section 1106(d)
24 of the Lobbying Disclosure Act of 1994 unless the Select

1 Committee on Ethics issues a written determination that
2 one of such exceptions applies.

3 “(f)(1) The Committee on Rules and Administration
4 is authorized to adjust the dollar amount referred to in
5 subparagraph (c)(5) on a periodic basis, to the extent nec-
6 essary to adjust for inflation.

7 “(2) The Select Committee on Ethics shall provide
8 guidance setting forth reasonable steps that may be taken
9 by Members, officers, and employees, with a minimum of
10 paperwork and time, to prevent the acceptance of prohib-
11 ited gifts from lobbyists.

12 “(3) When it is not practicable to return a tangible
13 item because it is perishable, the item may, at the discre-
14 tion of the recipient, be given to an appropriate charity
15 or destroyed.

16 “3. (a)(1) Except as prohibited by paragraph 1, a re-
17 imbursement (including payment in kind) to a Member,
18 officer, or employee for necessary transportation, lodging
19 and related expenses for travel to a meeting, speaking en-
20 gagement, factfinding trip or similar event in connection
21 with the duties of the Member, officer, or employee as an
22 officeholder shall be deemed to be a reimbursement to the
23 Senate and not a gift prohibited by this Rule, if the Mem-
24 ber, officer, or employee—

1 “(A) in the case of an employee, receives ad-
2 vance authorization, from the Member or officer
3 under whose direct supervision the employee works,
4 to accept reimbursement, and

5 “(B) discloses the expenses reimbursed or to be
6 reimbursed and the authorization to the Secretary of
7 the Senate within 30 days after the travel is com-
8 pleted.

9 “(2) For purposes of clause (1), events, the activities
10 of which are substantially recreational in nature, shall not
11 be considered to be in connection with the duties of a
12 Member, officer, or employee as an officeholder.

13 “(b) Each advance authorization to accept reimburse-
14 ment shall be signed by the Member or officer under whose
15 direct supervision the employee works and shall include—

16 “(1) the name of the employee;

17 “(2) the name of the person who will make the
18 reimbursement;

19 “(3) the time, place, and purpose of the travel;
20 and

21 “(4) a determination that the travel is in con-
22 nection with the duties of the employee as an office-
23 holder and would not create the appearance that the
24 employee is using public office for private gain.

1 “(c) Each disclosure made under subparagraph
2 (a)(1) of expenses reimbursed or to be reimbursed shall
3 be signed by the Member or officer (in the case of travel
4 by that Member or officer) or by the Member or officer
5 under whose direct supervision the employee works (in the
6 case of travel by an employee) and shall include—

7 “(1) a good faith estimate of total transpor-
8 tation expenses reimbursed or to be reimbursed;

9 “(2) a good faith estimate of total lodging ex-
10 penses reimbursed or to be reimbursed;

11 “(3) a good faith estimate of total meal ex-
12 penses reimbursed or to be reimbursed;

13 “(4) a good faith estimate of the total of other
14 expenses reimbursed or to be reimbursed;

15 “(5) a determination that all such expenses are
16 necessary transportation, lodging, and related ex-
17 penses as defined in this paragraph; and

18 “(6) in the case of a reimbursement to a Mem-
19 ber or officer, a determination that the travel was in
20 connection with the duties of the Member or officer
21 as an officeholder and would not create the appear-
22 ance that the Member or officer is using public of-
23 fice for private gain.

1 “(d) For the purposes of this paragraph, the term
2 ‘necessary transportation, lodging, and related ex-
3 penses’—

4 “(1) includes reasonable expenses that are nec-
5 essary for travel for a period not exceeding 3 days
6 exclusive of travel time within the United States or
7 7 days exclusive of travel time outside of the United
8 States unless approved in advance by the Select
9 Committee on Ethics;

10 “(2) is limited to reasonable expenditures for
11 transportation, lodging, conference fees and mate-
12 rials, and food and refreshments, including reim-
13 bursement for necessary transportation, whether or
14 not such transportation occurs within the periods de-
15 scribed in clause (1);

16 “(3) does not include expenditures for rec-
17 reational activities, or entertainment other than that
18 provided to all attendees as an integral part of the
19 event; and

20 “(4) may include travel expenses incurred on
21 behalf of either the spouse or a child of the Member,
22 officer, or employee, subject to a determination
23 signed by the Member or officer (or in the case of
24 an employee, the Member or officer under whose di-
25 rect supervision the employee works) that the at-

1 tendance of the spouse or child is appropriate to as-
2 sist in the representation of the Senate.

3 “(e) The Secretary of the Senate shall make available
4 to the public all advance authorizations and disclosures
5 of reimbursement filed pursuant to subparagraph (a) as
6 soon as possible after they are received.”.

7 **SEC. 1202. AMENDMENTS TO HOUSE RULES.**

8 Clause 4 of rule XLIII of the Rules of the House
9 of Representatives is amended to read as follows:

10 “4. (a) No Member, officer, or employee of the House
11 of Representatives shall accept a gift, knowing that such
12 gift is provided directly or indirectly by a registered lobby-
13 ist, a lobbying firm, or an agent of a foreign principal in
14 violation of the Lobbying Disclosure Act of 1994.

15 “(b) In addition to the restriction on receiving gifts
16 from registered lobbyists, lobbying firms, and agents of
17 foreign principals provided by paragraph (a) and except
18 as provided in this Rule, no Member, officer, or employee
19 of the House of Representatives shall knowingly accept a
20 gift from any other person.

21 “(c)(1) For the purpose of this clause, the term ‘gift’
22 means any gratuity, favor, discount, entertainment, hospi-
23 tality, loan, forbearance, or other item having monetary
24 value. The term includes gifts of services, training, trans-
25 portation, lodging, and meals, whether provided in kind,

1 by purchase of a ticket, payment in advance, or reimburse-
2 ment after the expense has been incurred.

3 “(2) A gift to the spouse or dependent of a Member,
4 officer, or employee (or a gift to any other individual based
5 on that individual’s relationship with the Member, officer,
6 or employee) shall be considered a gift to the Member,
7 officer, or employee if it is given with the knowledge and
8 acquiescence of the Member, officer, or employee and the
9 Member, officer, or employee has reason to believe the gift
10 was given because of the official position of the Member,
11 officer, or employee.

12 “(d) The restrictions in paragraph (b) shall not apply
13 to the following:

14 “(1) Anything for which the Member, officer, or
15 employee pays the market value, or does not use and
16 promptly returns to the donor.

17 “(2) A contribution, as defined in the Federal
18 Election Campaign Act of 1971 (2 U.S.C. 431 et
19 seq.) that is lawfully made under that Act, or at-
20 tendance at a fundraising event sponsored by a po-
21 litical organization described in section 527(e) of the
22 Internal Revenue Code of 1986.

23 “(3) Anything provided by an individual on the
24 basis of a personal or family relationship unless the
25 Member, officer, or employee has reason to believe

1 that, under the circumstances, the gift was provided
2 because of the official position of the Member, offi-
3 cer, or employee and not because of the personal or
4 family relationship. The Committee on Standards of
5 Official Conduct shall provide guidance on the appli-
6 cability of this clause and examples of circumstances
7 under which a gift may be accepted under this ex-
8 ception.

9 “(4) A contribution or other payment to a legal
10 expense fund established for the benefit of a Mem-
11 ber, officer, or employee, that is otherwise lawfully
12 made, if the person making the contribution or pay-
13 ment is identified for the Committee on Standards
14 of Official Conduct.

15 “(5) Any food or refreshments which the recipi-
16 ent reasonably believes to have a value of less than
17 \$20.

18 “(6) Any gift from another Member, officer, or
19 employee of the Senate or the House of Representa-
20 tives.

21 “(7) Food, refreshments, lodging, and other
22 benefits—

23 “(A) resulting from the outside business or
24 employment activities (or other outside activi-
25 ties that are not connected to the duties of the

1 Member, officer, or employee as an officeholder)
2 of the Member, officer, or employee, or the
3 spouse of the Member, officer, or employee, if
4 such benefits have not been offered or enhanced
5 because of the official position of the Member,
6 officer, or employee and are customarily pro-
7 vided to others in similar circumstances;

8 “(B) customarily provided by a prospective
9 employer in connection with bona fide employ-
10 ment discussions; or

11 “(C) provided by a political organization
12 described in section 527(e) of the Internal Rev-
13 enue Code of 1986 in connection with a fund-
14 raising or campaign event sponsored by such an
15 organization.

16 “(8) Pension and other benefits resulting from
17 continued participation in an employee welfare and
18 benefits plan maintained by a former employer.

19 “(9) Informational materials that are sent to
20 the office of the Member, officer, or employee in the
21 form of books, articles, periodicals, other written
22 materials, audiotapes, videotapes, or other forms of
23 communication.

1 “(10) Awards or prizes which are given to com-
2 petitors in contests or events open to the public, in-
3 cluding random drawings.

4 “(11) Honorary degrees (and associated travel,
5 food, refreshments, and entertainment) and other
6 bona fide, nonmonetary awards presented in recogni-
7 tion of public service (and associated food, refresh-
8 ments, and entertainment provided in the presen-
9 tation of such degrees and awards).

10 “(12) Donations of products from the State
11 that the Member represents that are intended pri-
12 marily for promotional purposes, such as display or
13 free distribution, and are of minimal value to any in-
14 dividual recipient.

15 “(13) Food, refreshments, and entertainment
16 provided to a Member or an employee of a Member
17 in the Member’s home State, subject to reasonable
18 limitations, to be established by the Committee on
19 Standards of Official Conduct.

20 “(14) An item of little intrinsic value such as
21 a greeting card, baseball cap, or a T shirt.

22 “(15) Training (including food and refresh-
23 ments furnished to all attendees as an integral part
24 of the training) provided to a Member, officer, or

1 employee, if such training is in the interest of the
2 House of Representatives.

3 “(16) Bequests, inheritances, and other trans-
4 fers at death.

5 “(17) Any item, the receipt of which is author-
6 ized by the Foreign Gifts and Decorations Act, the
7 Mutual Educational and Cultural Exchange Act, or
8 any other statute.

9 “(18) Anything which is paid for by the Federal
10 Government, by a State or local government, or se-
11 cured by the Government under a Government con-
12 tract.

13 “(19) A gift of personal hospitality of an indi-
14 vidual, as defined in section 109(14) of the Ethics
15 in Government Act.

16 “(20) Free attendance at a widely attended
17 event permitted pursuant to paragraph (e).

18 “(21) Opportunities and benefits which are—

19 “(A) available to the public or to a class
20 consisting of all Federal employees, whether or
21 not restricted on the basis of geographic consid-
22 eration;

23 “(B) offered to members of a group or
24 class in which membership is unrelated to con-
25 gressional employment;

1 “(C) offered to members of an organiza-
2 tion, such as an employees’ association or con-
3 gressional credit union, in which membership is
4 related to congressional employment and similar
5 opportunities are available to large segments of
6 the public through organizations of similar size;

7 “(D) offered to any group or class that is
8 not defined in a manner that specifically dis-
9 criminate among Government employees on the
10 basis of branch of Government or type of re-
11 sponsibility, or on a basis that favors those of
12 higher rank or rate of pay;

13 “(E) in the form of loans from banks and
14 other financial institutions on terms generally
15 available to the public; or

16 “(F) in the form of reduced membership or
17 other fees for participation in organization ac-
18 tivities offered to all Government employees by
19 professional organizations if the only restric-
20 tions on membership relate to professional
21 qualifications.

22 “(22) A plaque, trophy, or other memento of
23 modest value.

1 “(23) Anything for which, in exceptional cir-
2 cumstances, a waiver is granted by the Committee
3 on Standards of Official Conduct.

4 “(e)(1) Except as prohibited by paragraph (a), a
5 Member, officer, or employee may accept an offer of free
6 attendance at a widely attended convention, conference,
7 symposium, forum, panel discussion, dinner, viewing, re-
8 ception, or similar event, provided by the sponsor of the
9 event, if—

10 “(A) the Member, officer, or employee partici-
11 pates in the event as a speaker or a panel partici-
12 pant, by presenting information related to Congress
13 or matters before Congress, or by performing a cere-
14 monial function appropriate to the Member’s, offi-
15 cer’s, or employee’s official position; or

16 “(B) attendance at the event is appropriate to
17 the performance of the official duties or representa-
18 tive function of the Member, officer, or employee.

19 “(2) A Member, officer, or employee who attends an
20 event described in subparagraph (1) may accept a spon-
21 sor’s unsolicited offer of free attendance at the event for
22 an accompanying individual if others in attendance will
23 generally be similarly accompanied or if such attendance
24 is appropriate to assist in the representation of the House
25 of Representatives.

1 “(3) Except as prohibited by paragraph (a), a Mem-
2 ber, officer, or employee, or the spouse or dependent there-
3 of, may accept a sponsor’s unsolicited offer of free attend-
4 ance at a charity event, except that reimbursement for
5 transportation and lodging may not be accepted in connec-
6 tion with the event.

7 “(4) For purposes of this paragraph, the term ‘free
8 attendance’ may include waiver of all or part of a con-
9 ference or other fee, the provision of local transportation,
10 or the provision of food, refreshments, entertainment, and
11 instructional materials furnished to all attendees as an in-
12 tegral part of the event. The term does not include enter-
13 tainment collateral to the event, or food or refreshments
14 taken other than in a group setting with all or substan-
15 tially all other attendees.

16 “(f) No Member, officer, or employee may accept a
17 gift the value of which exceeds \$250 on the basis of the
18 personal relationship exception in paragraph (d)(3) or the
19 close personal friendship exception in section 1106(d) of
20 the Lobbying Disclosure Act of 1994 unless the Commit-
21 tee on Standards of Official Conduct issues a written de-
22 termination that one of such exceptions applies.

23 “(g)(1) The Committee on Standards of Official Con-
24 duct is authorized to adjust the dollar amount referred

1 to in paragraph (c)(5) on a periodic basis, to the extent
2 necessary to adjust for inflation.

3 “(2) The Committee on Standards of Official Con-
4 duct shall provide guidance setting forth reasonable steps
5 that may be taken by Members, officers, and employees,
6 with a minimum of paperwork and time, to prevent the
7 acceptance of prohibited gifts from lobbyists.

8 “(3) When it is not practicable to return a tangible
9 item because it is perishable, the item may, at the discre-
10 tion of the recipient, be given to an appropriate charity
11 or destroyed.

12 “(h)(1)(A) Except as prohibited by paragraph (a), a
13 reimbursement (including payment in kind) to a Member,
14 officer, or employee for necessary transportation, lodging
15 and related expenses for travel to a meeting, speaking en-
16 gagement, factfinding trip or similar event in connection
17 with the duties of the Member, officer, or employee as an
18 officeholder shall be deemed to be a reimbursement to the
19 House of Representatives and not a gift prohibited by this
20 paragraph, if the Member, officer, or employee—

21 “(i) in the case of an employee, receives ad-
22 vance authorization, from the Member or officer
23 under whose direct supervision the employee works,
24 to accept reimbursement, and

1 “(ii) discloses the expenses reimbursed or to be
2 reimbursed and the authorization to the Clerk of the
3 House of Representatives within 30 days after the
4 travel is completed.

5 “(B) For purposes of clause (A), events, the activities
6 of which are substantially recreational in nature, shall not
7 be considered to be in connection with the duties of a
8 Member, officer, or employee as an officeholder.

9 “(2) Each advance authorization to accept reimburse-
10 ment shall be signed by the Member or officer under whose
11 direct supervision the employee works and shall include—

12 “(A) the name of the employee;

13 “(B) the name of the person who will make the
14 reimbursement;

15 “(C) the time, place, and purpose of the travel;
16 and

17 “(D) a determination that the travel is in con-
18 nection with the duties of the employee as an office-
19 holder and would not create the appearance that the
20 employee is using public office for private gain.

21 “(3) Each disclosure made under subparagraph
22 (1)(A) of expenses reimbursed or to be reimbursed shall
23 be signed by the Member or officer (in the case of travel
24 by that Member or officer) or by the Member or officer

1 under whose direct supervision the employee works (in the
2 case of travel by an employee) and shall include—

3 “(A) a good faith estimate of total transpor-
4 tation expenses reimbursed or to be reimbursed;

5 “(B) a good faith estimate of total lodging ex-
6 penses reimbursed or to be reimbursed;

7 “(C) a good faith estimate of total meal ex-
8 penses reimbursed or to be reimbursed;

9 “(D) a good faith estimate of the total of other
10 expenses reimbursed or to be reimbursed;

11 “(E) a determination that all such expenses are
12 necessary transportation, lodging, and related ex-
13 penses as defined in this paragraph; and

14 “(F) in the case of a reimbursement to a Mem-
15 ber or officer, a determination that the travel was in
16 connection with the duties of the Member or officer
17 as an officeholder and would not create the appear-
18 ance that the Member or officer is using public of-
19 fice for private gain.

20 “(4) For the purposes of this paragraph, the term
21 ‘necessary transportation, lodging, and related ex-
22 penses’—

23 “(A) includes reasonable expenses that are nec-
24 essary for travel—

1 “(i) for a period not exceeding 4 days in-
2 cluding travel time within the United States or
3 7 days in addition to travel time outside the
4 United States; and

5 “(ii) within 24 hours before or after par-
6 ticipation in an event in the United States or
7 within 48 hours before or after participation in
8 an event outside the United States,
9 unless approved in advance by the Committee on
10 Standards of Official Conduct;

11 “(B) is limited to reasonable expenditures for
12 transportation, lodging, conference fees and mate-
13 rials, and food and refreshments, including reim-
14 bursement for necessary transportation, whether or
15 not such transportation occurs within the periods de-
16 scribed in clause (A);

17 “(C) does not include expenditures for rec-
18 reational activities or entertainment other than that
19 provided to all attendees as an integral part of the
20 event; and

21 “(D) may include travel expenses incurred on
22 behalf of either the spouse or a child of the Member,
23 officer, or employee, subject to a determination
24 signed by the Member or officer (or in the case of
25 an employee, the Member or officer under whose di-

1 rect supervision the officer or employee works) that
2 the attendance of the spouse or child is appropriate
3 to assist in the representation of the House of Rep-
4 resentatives.

5 “(5) The Clerk of the House of Representatives shall
6 make available to the public all advance authorizations
7 and disclosures of reimbursement filed pursuant to sub-
8 paragraph (1) as soon as possible after they are received.”.

9 **SEC. 1203. MISCELLANEOUS PROVISIONS.**

10 (a) AMENDMENTS TO THE ETHICS IN GOVERNMENT
11 ACT.—Section 102(a)(2)(B) of the Ethics in Government
12 Act (5 U.S.C. 102, App. 6) is amended by adding at the
13 end thereof the following: “Reimbursements accepted by
14 a Federal agency pursuant to section 1353 of title 31,
15 United States Code, or deemed accepted by the Senate or
16 the House of Representatives pursuant to Rule XXXV of
17 the Standing Rules of the Senate or clause 4 of Rule
18 XLIII of the Rules of the House of Representatives shall
19 be reported as required by such statute or rule and need
20 not be reported under this section.”.

21 (b) REPEAL OF OBSOLETE PROVISION.—Section 901
22 of the Ethics Reform Act of 1989 (2 U.S.C. 31–2) is re-
23 pealed.

24 (c) SENATE PROVISIONS.—

1 (1) AUTHORITY OF THE COMMITTEE ON RULES
2 AND ADMINISTRATION.—The Senate Committee on
3 Rules and Administration, on behalf of the Senate,
4 may accept gifts provided they do not involve any
5 duty, burden, or condition, or are not made depend-
6 ent upon some future performance by the United
7 States. The Committee on Rules and Administration
8 is authorized to promulgate regulations to carry out
9 this section.

10 (2) FOOD, REFRESHMENTS, AND ENTERTAIN-
11 MENT.—The rules on acceptance of food, refresh-
12 ments, and entertainment provided to a Member of
13 the Senate or an employee of such a Member in the
14 Member’s home State before the adoption of reason-
15 able limitations by the Committee on Rules and Ad-
16 ministration shall be the rules in effect on the day
17 before the effective date of this title.

18 (d) HOUSE PROVISION.—The rules on acceptance of
19 food, refreshments, and entertainment provided to a Mem-
20 ber of the House of Representatives or an employee of
21 such a Member in the Member’s home State before the
22 adoption of reasonable limitations by the Committee on
23 Standards of Official Conduct shall be the rules in effect
24 on the day before the effective date of this title.

1 **SEC. 1204. EXERCISE OF CONGRESSIONAL RULEMAKING**
2 **POWERS.**

3 Sections 1201, 1202, 1203(c), and 1203(d) of this
4 title are enacted by Congress—

5 (1) as an exercise of the rulemaking power of
6 the Senate and the House of Representatives, re-
7 spectively, and pursuant to section 7353(b)(1) of
8 title 5, United States Code, and accordingly, they
9 shall be considered as part of the rules of each
10 House, respectively, or of the House to which they
11 specifically apply, and such rules shall supersede
12 other rules only to the extent that they are inconsis-
13 tent therewith; and

14 (2) with full recognition of the constitutional
15 right of either House to change such rules (insofar
16 as they relate to that House) at any time and in the
17 same manner and to the same extent as in the case
18 of any other rule of that House.

19 **SEC. 1205. EFFECTIVE DATE.**

20 This title and the amendments made by this subtitle
21 shall take effect on May 31, 1995.

1 **DIVISION C—CAMPAIGN**
 2 **FINANCE REFORM**
 3 **TITLE I—CONGRESSIONAL CAM-**
 4 **PAIGN SPENDING LIMIT AND**
 5 **ELECTION REFORM**

6 **SEC. 10000. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT;**
 7 **TABLE OF CONTENTS.**

8 (a) **SHORT TITLE.**—This title may be cited as the
 9 “Congressional Campaign Spending Limit and Election
 10 Reform Act of 1995”.

11 (b) **AMENDMENT OF FECA.**—When used in this title,
 12 the term “FECA” means the Federal Election Campaign
 13 Act of 1971 (2 U.S.C. 431 et seq.).

14 (c) **TABLE OF CONTENTS.**—

DIVISION C—CAMPAIGN FINANCE REFORM

TITLE I—CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND
 ELECTION REFORM

Sec. 10000. Short title; amendment of Campaign Act; table of contents.

Subtitle A—Control of Congressional Campaign Spending

PART I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS

- Sec. 10001. Senate spending limits and benefits.
- Sec. 10002. Ban on activities of political action committees in Senate elections.
- Sec. 10003. Reporting requirements.
- Sec. 10004. Disclosure by noneligible candidates.
- Sec. 10005. Excess campaign funds of Senate candidates.

PART II—GENERAL PROVISIONS

- Sec. 10011. Broadcast rates and preemption.
- Sec. 10012. Reporting requirements for certain independent expenditures.
- Sec. 10013. Campaign advertising amendments.
- Sec. 10014. Definitions.
- Sec. 10015. Provisions relating to franked mass mailings.

Subtitle B—Independent Expenditures

- Sec. 10021. Clarification of definitions relating to independent expenditures.
- Sec. 10022. Equal broadcast time.

Subtitle C—Expenditures

PART I—PERSONAL LOANS; CREDIT

- Sec. 10031. Personal contributions and loans.
- Sec. 10032. Extensions of credit.

PART II—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES

- Sec. 10033. Definitions.
- Sec. 10034. Contributions to political party committees.
- Sec. 10035. Provisions relating to national, State, and local party committees.
- Sec. 10036. Restrictions on fundraising by candidates and officeholders.
- Sec. 10037. Reporting requirements.

Subtitle D—Contributions

- Sec. 10041. Contributions through intermediaries and conduits; prohibition on certain contributions by lobbyists.
- Sec. 10042. Contributions by dependents not of voting age.
- Sec. 10043. Contributions to candidates from State and local committees of political parties to be aggregated.
- Sec. 10044. Contributions and expenditures using money secured by physical force or other intimidation.
- Sec. 10045. Prohibition of acceptance by a candidate of cash contributions from any one person aggregating more than \$100.

Subtitle E—Miscellaneous

- Sec. 10051. Prohibition of leadership committees.
- Sec. 10052. Telephone voting by persons with disabilities.
- Sec. 10053. Certain tax-exempt organizations not subject to corporate limits.
- Sec. 10054. Aiding and abetting violations of FECA.
- Sec. 10055. Campaign advertising that refers to an opponent.
- Sec. 10056. Limit on congressional use of the franking privilege.

Subtitle F—Effective Dates; Authorizations

- Sec. 10061. Effective date.
- Sec. 10062. Budget neutrality.
- Sec. 10063. Severability.
- Sec. 10064. Expedited review of constitutional issues.
- Sec. 10065. Regulations.

1 **Subtitle A—Control of**
2 **Congressional Campaign Spending**

3 **PART I—SENATE ELECTION CAMPAIGN**

4 **SPENDING LIMITS AND BENEFITS**

5 **SEC. 10001. SENATE SPENDING LIMITS AND BENEFITS.**

6 (a) IN GENERAL.—FECA is amended by adding at
7 the end thereof the following new title:

8 **“TITLE V—SPENDING LIMITS**
9 **AND BENEFITS FOR SENATE**
10 **ELECTION CAMPAIGNS**

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

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

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

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

18 “(3) meets the threshold contribution require-
19 ments of subsection (e).

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

23 “(A) the candidate and the candidate’s author-
24 ized committees—

1 “(i) will meet the primary and runoff elec-
2 tion expenditure limits of subsection (d); and

3 “(ii) will only accept contributions for the
4 primary and runoff elections which do not ex-
5 ceed such limits;

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

9 “(C) the candidate and the candidate’s author-
10 ized committees will meet the limitation on expendi-
11 tures from personal funds under section 502(a); and

12 “(D) the candidate and the candidate’s author-
13 ized committees will meet the closed captioning re-
14 quirements of section 509.

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

18 “(c) GENERAL ELECTION FILING REQUIREMENTS.—

19 (1) The requirements of this subsection are met if the can-
20 didate certifies to the Secretary of the Senate, under
21 penalty of perjury, that—

22 “(A) the candidate and the candidate’s author-
23 ized committees—

24 “(i) met the primary and runoff election
25 expenditure limits under subsection (d); and

1 “(ii) did not accept contributions for the
2 primary or runoff election in excess of the pri-
3 mary or runoff expenditure limit under sub-
4 section (d), whichever is applicable, reduced by
5 any amounts transferred to this election cycle
6 from a preceding election cycle;

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

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

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

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

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

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

1 of such contributions to exceed the sum of the
2 amount of the general election expenditure limit
3 under section 502(b) and the amounts de-
4 scribed in subsections (c), (d), and (e) of sec-
5 tion 502, reduced by any amounts transferred
6 to this election cycle from a previous election
7 cycle and not taken into account under sub-
8 paragraph (A)(ii);

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

14 “(v) will furnish campaign records, evi-
15 dence of contributions, and other appropriate
16 information to the Commission;

17 “(vi) will cooperate in the case of any audit
18 and examination by the Commission under sec-
19 tion 505 and will pay any amounts required to
20 be paid under that section; and

21 “(vii) will meet the closed captioning re-
22 quirements of section 509; and

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

1 “(2) The certification 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 or to the Commis-
3 sion with respect to such period under section 304.

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 5 percent of the general
23 election expenditure limit under section 502(b).

24 “(2) For purposes of this section and subsections (b)
25 and (c) of section 503—

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

5 “(B) The term ‘allowable contributions’ shall
6 not include—

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

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

14 “(iii) contributions from individuals resid-
15 ing outside the candidate’s State.

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

18 “(3) For purposes of this subsection and subsections
19 (b) and (c) of section 503, the term ‘applicable period’
20 means—

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

1 “(i) the date on which the certification
2 under subsection (c) is filed by the candidate;
3 or

4 “(ii) for purposes of subsections (b) and
5 (c) of section 503, the date of such general elec-
6 tion; or

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

11 “(f) INDEXING.—The \$2,750,000 amount under sub-
12 section (d)(1) shall be increased as of the beginning of
13 each calendar year based on the increase in the price index
14 determined under section 315(c), except that, for purposes
15 of subsection (d)(1) and section 502(b)(3), the base period
16 shall be calendar year 1996.

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

18 “(a) LIMITATION ON USE OF PERSONAL FUNDS.—
19 (1) The aggregate amount of expenditures which may be
20 made during an election cycle by an eligible Senate can-
21 didate or such candidate’s authorized committees from the
22 sources described in paragraph (2) shall not exceed
23 \$25,000.

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

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

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

5 “(b) GENERAL ELECTION EXPENDITURE LIMIT.—

6 (1) Except as otherwise provided in this title, the aggre-
7 gate amount of expenditures for a general election by an
8 eligible Senate candidate and the candidate’s authorized
9 committees shall not exceed the lesser of—

10 “(A) \$5,500,000; or

11 “(B) the greater of—

12 “(i) \$1,200,000; or

13 “(ii) \$400,000; plus

14 “(I) 30 cents multiplied by the voting
15 age population not in excess of 4,000,000;

16 and

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

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

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

25 and

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

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

6 “(c) LEGAL AND ACCOUNTING COMPLIANCE
7 FUND.—(1) The limitation under subsection (b) shall not
8 apply to qualified legal and accounting expenditures made
9 by a candidate or the candidate’s authorized committees
10 or a Federal officeholder from a legal and accounting com-
11 pliance fund meeting the requirements of paragraph (2).

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

14 “(A) the fund is established with respect to
15 qualified legal and accounting expenditures incurred
16 with respect to a particular general election;

17 “(B) the only amounts transferred to the fund
18 are amounts received in accordance with the limita-
19 tions, prohibitions, and reporting requirements of
20 this Act;

21 “(C) the aggregate amounts transferred to, and
22 expenditures made from, the fund with respect to
23 the election cycle do not exceed the sum of—

24 “(i) the lesser of—

1 “(I) 15 percent of the general election
2 expenditure limit under subsection (b) for
3 the general election for which the fund was
4 established; or

5 “(II) \$300,000; plus

6 “(ii) the amount determined under para-
7 graph (4); and

8 “(D) no funds received by the candidate pursu-
9 ant to section 503(a)(3) may be transferred to the
10 fund.

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

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

16 “(i) any administrative or court proceeding
17 initiated pursuant to this Act for the general
18 election for which the legal and accounting fund
19 was established; or

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

22 “(B) Any expenditures for legal and accounting
23 services provided in connection with the general elec-
24 tion for which the legal and accounting compliance
25 fund was established to ensure compliance with this

1 Act with respect to the election cycle for such gen-
2 eral election.

3 “(4)(A) If, after a general election, a candidate deter-
4 mines that the qualified legal and accounting expenditures
5 will exceed the limitation under paragraph (2)(C)(i), the
6 candidate may petition the Commission by filing with the
7 Secretary of the Senate a request for an increase in such
8 limitation. The Commission shall authorize an increase in
9 such limitation in the amount (if any) by which the Com-
10 mission determines the qualified legal and accounting ex-
11 penditures exceed such limitation. Such determination
12 shall be subject to judicial review under section 506.

13 “(B) Except as provided in section 315, any contribu-
14 tion received or expenditure made pursuant to this para-
15 graph shall not be taken into account for any contribution
16 or expenditure limit applicable to the candidate under this
17 title.

18 “(5) Any funds in a legal and accounting compliance
19 fund shall be treated for purposes of this Act as a separate
20 segregated fund, except that any portion of the fund not
21 used to pay qualified legal and accounting expenditures,
22 and not transferred to a legal and accounting compliance
23 fund for the election cycle for the next general election,
24 shall be treated in the same manner as other campaign
25 funds for purposes of section 313(b).

1 “(A) the excess expenditure amount deter-
2 mined under subsection (b); and

3 “(B) the independent expenditure amount
4 determined under subsection (c).

5 “(b) EXCESS EXPENDITURE AMOUNT.—(1) For pur-
6 poses of subsection (a)(2)(A), except as provided in section
7 510(b), the amount determined under this subsection is,
8 in the case of an eligible Senate candidate who has an
9 opponent in the general election who receives contribu-
10 tions, or makes (or obligates to make) expenditures, for
11 such election in excess of the general election expenditure
12 limit under section 502(b), the excess expenditure amount.

13 “(2) For purposes of paragraph (1), the excess ex-
14 penditure amount is the amount determined as follows:

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

17 “(i) if the excess described in paragraph
18 (1) is less than $133\frac{1}{3}$ percent of the general
19 election expenditure limit under section 502(b),
20 an amount equal to one-third of such limit ap-
21 plicable to the eligible Senate candidate for the
22 election; plus

23 “(ii) if such excess equals or exceeds $133\frac{1}{3}$
24 percent but is less than $166\frac{2}{3}$ percent of such

1 limit, an amount equal to one-third of such
2 limit; plus

3 “(iii) if such excess equals or exceeds
4 $166\frac{2}{3}$ percent of such limit, an amount equal
5 to one-third of such limit.

6 “(B) In the case of an eligible Senate candidate
7 who is not a major party candidate, an amount
8 equal to the least of the following:

9 “(i) The allowable contributions of the eli-
10 gible Senate candidate during the applicable pe-
11 riod in excess of the threshold contribution re-
12 quirement under section 501(e).

13 “(ii) 50 percent of the general election ex-
14 penditure limit applicable to the eligible Senate
15 candidate under section 502(b).

16 “(iii) The excess described in paragraph
17 (1).

18 “(c) INDEPENDENT EXPENDITURE AMOUNT.—For
19 purposes of subsection (a)(2)(B), the amount determined
20 under this subsection is the total amount of independent
21 expenditures made, or obligated to be made, during the
22 general election period by 1 or more persons in opposition
23 to, or on behalf of an opponent of, an eligible Senate can-
24 didate which are required to be reported by such persons
25 under section 304(c) with respect to the general election

1 period and are certified by the Commission under section
2 304(c).

3 “(d) WAIVER OF EXPENDITURE AND CONTRIBUTION
4 LIMITS.—(1)(A) An eligible Senate candidate who receives
5 payments under subsection (a)(2) may make expenditures
6 from such payments to defray expenditures for the general
7 election without regard to the general election expenditure
8 limit under section 502(b).

9 “(B) In the case of an eligible Senate candidate who
10 is not a major party candidate, the general election ex-
11 penditure limit under section 502(b) with respect to such
12 candidate shall be increased by the amount (if any) by
13 which the excess described in subsection (b)(1) exceeds the
14 amount determined under subsection (b)(2)(B) with re-
15 spect to such candidate.

16 “(2)(A) An eligible Senate candidate who receives
17 benefits under this section may make expenditures for the
18 general election without regard to clause (i) of section
19 501(c)(1)(D) or subsection (a) or (b) of section 502 if any
20 one of the eligible Senate candidate’s opponents who is
21 not an eligible Senate candidate either raises aggregate
22 contributions, or makes or becomes obligated to make ag-
23 gregate expenditures, for the general election that exceed
24 200 percent of the general election expenditure limit appli-

1 cable to the eligible Senate candidate under section
2 502(b).

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

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

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

12 “(ii) any other candidate in the same general
13 election who is not an eligible Senate candidate
14 raises aggregate contributions, or makes or becomes
15 obligated to make aggregate expenditures, for the
16 general election that exceed 75 percent of the gen-
17 eral election expenditure limit applicable to such
18 other candidate under section 502(b).

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

23 “(e) USE OF PAYMENTS.—Payments received by a
24 candidate under subsection (a)(2) shall be used to defray
25 expenditures incurred with respect to the general election

1 period for the candidate. Such payments shall not be
2 used—

3 “(1) except as provided in paragraph (4), to
4 make any payments, directly or indirectly, to such
5 candidate or to any member of the immediate family
6 of such candidate;

7 “(2) to make any expenditure other than ex-
8 penditures to further the general election of such
9 candidate;

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

13 “(4) subject to the provisions of section 315(j),
14 to repay any loan to any person except to the extent
15 the proceeds of such loan were used to further the
16 general election of such candidate.

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

18 “(a) IN GENERAL.—(1) The Commission shall certify
19 to any candidate meeting the requirements of section 501
20 that such candidate is an eligible Senate candidate entitled
21 to benefits under this title. The Commission shall revoke
22 such certification if it determines a candidate fails to con-
23 tinue to meet such requirements.

24 “(2) No later than 48 hours after an eligible Senate
25 candidate files a request with the Secretary of the Senate

1 ination and audit of the campaign accounts of 5 percent
2 of the eligible Senate and House of Representatives can-
3 didates, as designated by the Commission through the use
4 of an appropriate statistical method of random selection,
5 to determine whether such candidates have complied with
6 the conditions of eligibility and other requirements of this
7 title. The Commission shall conduct an examination and
8 audit of the accounts of all candidates for election to an
9 office where any eligible candidate for the office is selected
10 for examination and audit.

11 “(2) After each special election involving an eligible
12 candidate, the Commission shall conduct an examination
13 and audit of the campaign accounts of all candidates in
14 the election to determine whether the candidates have
15 complied with the conditions of eligibility and other re-
16 quirements of this Act.

17 “(3) The Commission may conduct an examination
18 and audit of the campaign accounts of any eligible Senate
19 or House of Representatives candidate in a general elec-
20 tion if the Commission determines that there exists reason
21 to believe whether such candidate may have violated any
22 provision of this title.

23 “(b) EXCESS PAYMENTS; REVOCATION OF STA-
24 TUS.—(1) If the Commission determines that payments
25 were made to an eligible Senate candidate under this title

1 in excess of the aggregate amounts to which such can-
2 didate was entitled, the Commission shall so notify such
3 candidate, and such candidate shall pay an amount equal
4 to the excess.

5 “(2) If the Commission revokes the certification of
6 a candidate as an eligible Senate candidate under section
7 504(a)(1), the Commission shall notify the candidate, and
8 the candidate shall pay an amount equal to the payments
9 received under this title.

10 “(c) MISUSE OF BENEFITS.—If the Commission de-
11 termines that any amount of any benefit made available
12 to an eligible Senate candidate under this title was not
13 used as provided for in this title, the Commission shall
14 so notify such candidate and such candidate shall pay the
15 amount of such benefit.

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

20 “(1) the primary or runoff expenditure limit
21 under section 501(d); or

22 “(2) the general election expenditure limit
23 under section 502(b),

1 the Commission shall so notify such candidate and such
2 candidate shall pay an amount equal to the amount of the
3 excess expenditures.

4 “(e) CIVIL PENALTIES.—(1) If the Commission de-
5 termines that a candidate has committed a violation de-
6 scribed in subsection (c), the Commission may assess a
7 civil penalty against such candidate in an amount not
8 greater than 200 percent of the amount involved.

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

15 “(B) MEDIUM AMOUNT OF EXCESS EXPENDI-
16 TURES.—Any eligible Senate candidate who makes ex-
17 penditures that exceed any limitation described in para-
18 graph (1) or (2) of subsection (d) by more than 2.5 per-
19 cent and less than 5 percent shall pay an amount equal
20 to three times the amount of the excess expenditures.

21 “(C) LARGE AMOUNT OF EXCESS EXPENDITURES.—
22 Any eligible Senate candidate who makes expenditures
23 that exceed any limitation described in paragraph (1) or
24 (2) of subsection (d) by 5 percent or more shall pay an
25 amount equal to the sum of—

1 “(i) three times the amount of the excess ex-
2 penditures plus an additional amount determined by
3 the Commission, plus

4 “(ii) if the Commission determines such excess
5 expenditures were willful, an amount equal to the
6 benefits the candidate received under this title.

7 “(f) UNEXPENDED FUNDS.—Any amount received by
8 an eligible Senate candidate under this title and not ex-
9 pended on or before the date of the general election shall
10 be repaid within 30 days of the election, except that a rea-
11 sonable amount may be retained for a period not exceeding
12 120 days after the date of the general election for the liq-
13 uidation of all obligations to pay expenditures for the gen-
14 eral election incurred during the general election period.
15 At the end of such 120-day period, any unexpended funds
16 received under this title shall be promptly repaid.

17 “(g) PAYMENTS RETURNED TO SOURCE.—Any pay-
18 ment, repayment, or civil penalty required by this section
19 shall be paid to the entity from which benefits under this
20 title were paid to the eligible Senate candidate.

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

1 **“SEC. 506. JUDICIAL REVIEW.**

2 “(a) JUDICIAL REVIEW.—Any agency action by the
3 Commission made under the provisions of this title shall
4 be subject to review by the United States Court of Appeals
5 for the District of Columbia Circuit upon petition filed in
6 such court within thirty days after the agency action by
7 the Commission for which review is sought. It shall be the
8 duty of the Court of Appeals, ahead of all matters not
9 filed under this title, to advance on the docket and expedi-
10 tiously take action on all petitions filed pursuant to this
11 title.

12 “(b) APPLICATION OF TITLE 5.—The provisions of
13 chapter 7 of title 5, United States Code, shall apply to
14 judicial review of any agency action by the Commission.

15 “(c) AGENCY ACTION.—For purposes of this section,
16 the term ‘agency action’ has the meaning given such term
17 by section 551(13) of title 5, United States Code.

18 **“SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL**
19 **PROCEEDINGS.**

20 “(a) APPEARANCES.—The Commission is authorized
21 to appear in and defend against any action instituted
22 under this section and under section 506 either by attor-
23 neys employed in its office or by counsel whom it may ap-
24 point without regard to the provisions of title 5, United
25 States Code, governing appointments in the competitive
26 service, and whose compensation it may fix without regard

1 to the provisions of chapter 51 and subchapter III of chap-
2 ter 53 of such title.

3 “(b) INSTITUTION OF ACTIONS.—The Commission is
4 authorized, through attorneys and counsel described in
5 subsection (a), to institute actions in the district courts
6 of the United States to seek recovery of any amounts de-
7 termined under this title to be payable to any entity from
8 which benefits under this title were paid.

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

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

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

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

23 “(1) the expenditures (shown in such detail as
24 the Commission determines appropriate) made by

1 each eligible Senate candidate and the authorized
2 committees of such candidate;

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

6 “(3) the amount of repayments, if any, required
7 under section 505 and the reasons for each repay-
8 ment required.

9 Each report submitted pursuant to this section shall be
10 printed as a Senate document.

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

18 “(c) STATEMENT TO SENATE.—Thirty days before
19 prescribing any rule or regulation under subsection (b),
20 the Commission shall transmit to the Senate a statement
21 setting forth the proposed rule or regulation and contain-
22 ing a detailed explanation and justification of such rule
23 or regulation.

1 **“SEC. 509. CLOSED CAPTIONING REQUIREMENT FOR TELE-**
2 **VISION COMMERCIALS OF ELIGIBLE SENATE**
3 **CANDIDATES.**

4 “No eligible Senate candidate may receive amounts
5 under section 503(a)(3) under section 503(a)(4) unless
6 such candidate has certified that any television commercial
7 prepared or distributed by the candidate will be prepared
8 in a manner that contains, is accompanied by, or otherwise
9 readily permits closed captioning of the oral content of the
10 commercial to be broadcast by way of line 21 of the verti-
11 cal blanking interval, or by way of comparable successor
12 technologies.

13 **“SEC. 510. LIMITATIONS ON PAYMENTS.**

14 “(a) **PAYMENTS UPON CERTIFICATION.**—Upon re-
15 ceipt of a certification from the Commission under section
16 504, except as provided in subsection (b), the Secretary
17 shall, subject to the availability of appropriations, prompt-
18 ly pay the amount certified by the Commission to the can-
19 didate.

20 “(b) **REDUCTIONS IN PAYMENTS IF FUNDS INSUFFI-**
21 **CIENT.**—(1) If, at the time of a certification by the Com-
22 mission under section 504 for payment to an eligible can-
23 didate, the Secretary determines that there are not, or
24 may not be, sufficient funds to satisfy the full entitlement
25 of all eligible candidates, the Secretary shall withhold from
26 the amount of such payment such amount as the Secretary

1 determines to be necessary to assure that each eligible
2 candidate will receive the same pro rata share of such can-
3 didate's full entitlement.

4 “(2) Amounts withheld under paragraph (1) shall be
5 paid when the Secretary determines that there are suffi-
6 cient monies to pay all, or a portion thereof, to all eligible
7 candidates from whom amounts have been withheld, ex-
8 cept that if only a portion is to be paid, it shall be paid
9 in such manner that each eligible candidate receives an
10 equal pro rata share of such portion.

11 “(3)(A) Not later than December 31 of any calendar
12 year preceding a calendar year in which there is a regu-
13 larly scheduled general election, the Secretary, after con-
14 sultation with the Commission, shall make an estimate
15 of—

16 “(i) the amount of monies which will be avail-
17 able to make payments required by this title in the
18 succeeding calendar year; and

19 “(ii) the amount of expenditures which will be
20 required under this title in such calendar year.

21 “(B) If the Secretary determines that there will be
22 insufficient monies to make the expenditures required by
23 this title for any calendar year, the Secretary shall notify
24 each candidate on January 1 of such calendar year (or,
25 if later, the date on which an individual becomes a can-

1 didate) of the amount which the Secretary estimates will
2 be the pro rata reduction in each eligible candidate's pay-
3 ments under this subsection. Such notice shall be by reg-
4 istered mail.

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

8 “(4) The Secretary shall notify the Commission and
9 each eligible candidate by registered mail of any actual
10 reduction in the amount of any payment by reason of this
11 subsection. If the amount of the reduction exceeds the
12 amount estimated under paragraph (3), the candidate's
13 contribution limit under section 501(c)(1)(D)(iii) shall be
14 increased by the amount of such excess.”.

15 (b) EFFECTIVE DATES.—(1) Except as provided in
16 this subsection, the amendment made by subsection (a)
17 shall apply to elections occurring after December 31,
18 1994.

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

21 (A) no expenditure made before January 1,
22 1996, shall be taken into account, except that there
23 shall be taken into account any such expenditure for
24 goods or services to be provided after such date; and

1 (B) all cash, cash items, and Government secu-
 2 rities on hand as of January 1, 1996, shall be taken
 3 into account in determining whether the contribution
 4 limit is met, except that there shall not be taken into
 5 account amounts used during the 60-day period be-
 6 ginning on January 1, 1996, to pay for expenditures
 7 which were incurred (but unpaid) before such date.

8 (c) EFFECT OF INVALIDITY ON OTHER PROVISIONS
 9 OF TITLE.—If section 501, 502, or 503 of title V of
 10 FECA (as added by this section), or any part thereof, is
 11 held to be invalid, all provisions of, and amendments made
 12 by, this title shall be treated as invalid.

13 **SEC. 10002. BAN ON ACTIVITIES OF POLITICAL ACTION**
 14 **COMMITTEES IN SENATE ELECTIONS.**

15 (a) IN GENERAL.—Title III of FECA (2 U.S.C. 431
 16 et seq.), as amended by section 10044, is amended by add-
 17 ing at the end thereof the following new section:

18 “BAN ON SENATE ELECTION ACTIVITIES BY POLITICAL
 19 ACTION COMMITTEES

20 “SEC. 327. (a) Notwithstanding any other provision
 21 of this Act, no person other than an individual or a politi-
 22 cal committee may make contributions, solicit or receive
 23 contributions, or make expenditures for the purpose of in-
 24 fluencing an election, or nomination for election, to the
 25 office of United States Senator.

1 “(b) In the case of individuals who are executive or
2 administrative personnel of an employer—

3 “(1) no contributions may be made by such in-
4 dividuals—

5 “(A) to any political committees estab-
6 lished and maintained by any political party for
7 use in an election, or nomination for election, to
8 the office of United States Senator; or

9 “(B) to any candidate for nomination for
10 election, or election, to office of United States
11 Senator or the candidate’s authorized commit-
12 tees,

13 unless such contributions are not being made at the
14 direction of, or otherwise controlled or influenced by,
15 the employer; and

16 “(2) the aggregate amount of such contribu-
17 tions by all such individuals in any calendar year
18 shall not exceed—

19 “(A) \$20,000 in the case of such political
20 committees; and

21 “(B) \$5,000 in the case of any such can-
22 didate and the candidate’s authorized commit-
23 tees.”.

1 (b) CANDIDATE'S COMMITTEES.—(1) Section 315(a)
2 of FECA (2 U.S.C. 441a(a)) is amended by adding at the
3 end thereof the following new paragraph:

4 “(9) For the purposes of the limitations provided by
5 paragraphs (1) and (2), any political committee which is
6 established or financed or maintained or controlled by any
7 candidate or Federal officeholder shall be deemed to be
8 an authorized committee of such candidate or officeholder.
9 Nothing in this paragraph shall be construed to permit
10 the establishment, financing, maintenance, or control of
11 any committee which is prohibited by paragraph (3) or
12 (6) of section 302(e).”.

13 (2) Section 302(e)(3) of FECA (2 U.S.C. 432) is
14 amended to read as follows:

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

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

5 (c) RULES APPLICABLE WHEN BAN NOT IN EF-
6 fect.—For purposes of the Federal Election Campaign
7 Act of 1971, during any period beginning after the effec-
8 tive date in which the limitation under section 327 of such
9 Act (as added by subsection (a)) is not in effect—

10 (1) the amendments made by subsections (a)
11 and (b) shall not be in effect;

12 (2) in the case of a candidate for election, or
13 nomination for election, to the office of United
14 States Senator (and such candidate’s authorized
15 committees), section 315(a)(2)(A) of FECA (2
16 U.S.C. 441a(a)(2)(A)) shall be applied by substitut-
17 ing “\$1,000” for “\$5,000”;

18 (3) it shall be unlawful for a multicandidate po-
19 litical committee to make a contribution to a can-
20 didate for election, or nomination for election, to the
21 office of United States Senator (or an authorized
22 committee) to the extent that the making or accept-
23 ing of the contribution will cause the amount of con-
24 tributions received by the candidate and the can-

1 didate's authorized committees from multicandidate
2 political committees to exceed the lesser of—

3 (A) \$825,000; or

4 (B) 20 percent of the aggregate Federal
5 election spending limits applicable to the can-
6 didate for the election cycle.

7 The \$825,000 amount in paragraph (3) shall be in-
8 creased as of the beginning of each calendar year
9 based on the increase in the price index determined
10 under section 315(c) of FECA, except that for pur-
11 poses of paragraph (3), the base period shall be the
12 calendar year 1996. A candidate or authorized com-
13 mittee that receives a contribution from a
14 multicandidate political committee in excess of the
15 amount allowed under paragraph (3) shall return
16 the amount of such excess contribution to the con-
17 tributor.

18 (d) RULE ENSURING PROHIBITION ON DIRECT COR-
19 PORATE AND LABOR SPENDING.—If section 316(a) of the
20 Federal Election Campaign Act of 1971 is held to be in-
21 valid by reason of the amendments made by this section,
22 then the amendments made by subsections (a) and (b) of
23 this section shall not apply to contributions by any politi-
24 cal committee that is directly or indirectly established, ad-
25 ministered, or supported by a connected organization

1 which is a bank, corporation, or other organization de-
2 scribed in such section 316(a).

3 (e) RESTRICTIONS ON CONTRIBUTIONS TO POLITI-
4 CAL COMMITTEES.—Paragraphs (1)(D) and (2)(D) of sec-
5 tion 315(a) of FECA (2 U.S.C. 441a(a) (1)(D) and
6 (2)(D)), as redesignated by section 312, are each amended
7 by striking “\$5,000” and inserting “\$1,000”.

8 (f) EFFECTIVE DATES.—(1) Except as provided in
9 paragraph (2), the amendments made by this section shall
10 apply to elections (and the election cycles relating thereto)
11 occurring after December 31, 1994.

12 (2) In applying the amendments made by this section,
13 there shall not be taken into account—

14 (A) contributions made or received before Janu-
15 ary 1, 1996; or

16 (B) contributions made to, or received by, a
17 candidate on or after January 1, 1996, to the extent
18 such contributions are not greater than the excess
19 (if any) of—

20 (i) such contributions received by any op-
21 ponent of the candidate before January 1,
22 1996, over

23 (ii) such contributions received by the can-
24 didate before January 1, 1996.

1 **SEC. 10003. REPORTING REQUIREMENTS.**

2 Title III of FECA is amended by adding after section
3 304 the following new section:

4 “REPORTING REQUIREMENTS FOR SENATE CANDIDATES

5 “SEC. 304A. (a) CANDIDATE OTHER THAN ELIGI-
6 BLE SENATE CANDIDATE.—(1) Each candidate for the of-
7 fice of United States Senator who does not file a certifi-
8 cation with the Secretary of the Senate under section
9 501(c) shall file with the Secretary of the Senate a dec-
10 laration as to whether such candidate intends to make ex-
11 penditures for the general election in excess of the general
12 election expenditure limit applicable to an eligible Senate
13 candidate under section 502(b). Such declaration shall be
14 filed at the time provided in section 501(c)(2).

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

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

19 “(B) who either raises aggregate contributions,
20 or makes or obligates to make aggregate expendi-
21 tures, for the general election which exceed 75 per-
22 cent of the general election expenditure limit appli-
23 cable to an eligible Senate candidate under section
24 502(b),

25 shall file a report with the Secretary of the Senate within
26 2 business days after such contributions have been raised

1 or such expenditures have been made or obligated to be
2 made (or, if later, within 2 business days after the date
3 of qualification for the general election ballot), setting
4 forth the candidate's total contributions and total expendi-
5 tures for such election as of such date. Thereafter, such
6 candidate shall file additional reports (until such contribu-
7 tions or expenditures exceed 200 percent of such limit)
8 with the Secretary of the Senate within 2 business days
9 after each time additional contributions are raised, or ex-
10 penditures are made or are obligated to be made, which
11 in the aggregate exceed an amount equal to 10 percent
12 of such limit and after the total contributions or expendi-
13 tures exceed 100, 133 $\frac{1}{3}$, 166 $\frac{2}{3}$, and 200 percent of such
14 limit.

15 “(3) The Commission—

16 “(A) shall, within 2 business days of receipt of
17 a declaration or report under paragraph (1) or (2),
18 notify each eligible Senate candidate in the election
19 involved about such declaration or report; and

20 “(B) if an opposing candidate has raised aggre-
21 gate contributions, or made or has obligated to make
22 aggregate expenditures, in excess of the applicable
23 general election expenditure limit under section
24 502(b), shall certify, pursuant to the provisions of
25 subsection (d), such eligibility for payment of any

1 amount to which such eligible Senate candidate is
2 entitled under section 503(a).

3 “(4) Notwithstanding the reporting requirements
4 under this subsection, the Commission may make its own
5 determination that a candidate in a general election who
6 is not an eligible Senate candidate has raised aggregate
7 contributions, or made or has obligated to make aggregate
8 expenditures, in the amounts which would require a report
9 under paragraph (2). The Commission shall, within 2
10 business days after making each such determination, no-
11 tify each eligible Senate candidate in the general election
12 involved about such determination, and shall, when such
13 contributions or expenditures exceed the general election
14 expenditure limit under section 502(b), certify (pursuant
15 to the provisions of subsection (d)) such candidate’s eligi-
16 bility for payment of any amount under section 503(a).

17 “(b) REPORTS ON PERSONAL FUNDS.—(1) Any can-
18 didate for the United States Senate who during the elec-
19 tion cycle expends more than the limitation under section
20 502(a) during the election cycle from his personal funds,
21 the funds of his immediate family, and personal loans in-
22 curred by the candidate and the candidate’s immediate
23 family shall file a report with the Secretary of the Senate
24 within 2 business days after such expenditures have been
25 made or loans incurred.

1 “(2) The Commission within 2 business days after
2 a report has been filed under paragraph (1) shall notify
3 each eligible Senate candidate in the election involved
4 about each such report.

5 “(3) Notwithstanding the reporting requirements
6 under this subsection, the Commission may make its own
7 determination that a candidate for the United States Sen-
8 ate has made expenditures in excess of the amount under
9 paragraph (1). The Commission within 2 business days
10 after making such determination shall notify each eligible
11 Senate candidate in the general election involved about
12 each such determination.

13 “(c) CANDIDATES FOR OTHER OFFICES.—(1) Each
14 individual—

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

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

20 “(C) who expended any amount during such
21 election cycle before becoming a candidate for the of-
22 fice of United States Senator which would have been
23 treated as an expenditure if such individual had
24 been such a candidate, including amounts for activi-

1 ties to promote the image or name recognition of
2 such individual,
3 shall, within 7 days of becoming a candidate for the office
4 of United States Senator, report to the Secretary of the
5 Senate the amount and nature of such expenditures.

6 “(2) Paragraph (1) shall not apply to any expendi-
7 tures in connection with a Federal, State, or local election
8 which has been held before the individual becomes a can-
9 didate for the office of United States Senator.

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

15 “(4) The Commission shall certify to the individual
16 and such individual’s opponents the amounts the Commis-
17 sion determines to be described in paragraph (3) and such
18 amounts shall be treated as expenditures for purposes of
19 this Act.

20 “(d) CERTIFICATIONS.—Notwithstanding section
21 504(a), the certification required by this section shall be
22 made by the Commission on the basis of reports filed in
23 accordance with the provisions of this Act, or on the basis
24 of the Commission’s own investigation or determination.

1 “(e) SHORTER PERIODS FOR REPORTS AND NOTICES
2 DURING ELECTION WEEK.—Any report, determination,
3 or notice required by reason of an event occurring during
4 the 7-day period ending with the general election shall be
5 made within 24 hours (rather than 2 business days) of
6 the event.

7 “(f) COPIES OF REPORTS AND PUBLIC INSPEC-
8 TION.—The Secretary of the Senate shall transmit a copy
9 of any report or filing received under this section or under
10 title V as soon as possible (but no later than 4 working
11 hours of the Commission) after receipt of such report or
12 filing, and shall make such report or filing available for
13 public inspection and copying in the same manner as the
14 Commission under section 311(a)(4), and shall preserve
15 such reports and filings in the same manner as the Com-
16 mission under section 311(a)(5).

17 “(g) DEFINITIONS.—For purposes of this section,
18 any term used in this section which is used in title V shall
19 have the same meaning as when used in title V.”.

20 **SEC. 10004. DISCLOSURE BY NONELIGIBLE CANDIDATES.**

21 Section 318 of FECA (2 U.S.C. 441d), as amended
22 by section 10013, is amended by adding at the end thereof
23 the following:

24 “(f) If a broadcast, cablecast, or other communication
25 is paid for or authorized by a candidate in the general

1 election for the office of United States Senator who is not
2 an eligible Senate candidate, or the authorized committee
3 of such candidate, such communication shall contain the
4 following sentence: ‘This candidate has not agreed to vol-
5 untary campaign spending limits.’.’’.

6 **SEC. 10005. EXCESS CAMPAIGN FUNDS OF SENATE CAN-**
7 **DIDATES.**

8 Section 313 of FECA (2 U.S.C. 439a) is amended—

9 (1) by inserting ‘‘(a) IN GENERAL.—’’ before
10 ‘‘Amounts’’; and

11 (2) by adding at the end the following new sub-
12 section:

13 ‘‘(b) RETURN OF EXCESS CAMPAIGN FUNDS.—(1)
14 Except as provided in paragraph (2), and notwithstanding
15 subsection (a), if a candidate for the Senate has amounts
16 in excess of amounts necessary to defray campaign ex-
17 penditures for any election cycle, including any fines or
18 penalties relating thereto, such candidate shall, not later
19 than 1 year after the date of the general election for such
20 cycle, expend such excess in the manner described in sub-
21 section (a) or transfer it to the general fund of the Treas-
22 ury.

23 ‘‘(2) Paragraph (1) shall not apply to any amounts—

24 ‘‘(A) transferred to a legal and accounting com-
25 pliance fund established under section 502(c); or

1 “(B) transferred for use in the next election
2 cycle to the extent such amounts do not exceed 20
3 percent of the sum of the primary election expendi-
4 ture limit under section 501(d)(1)(A) and the gen-
5 eral election expenditure limit under section 502(b)
6 for the election cycle from which the amounts are
7 being transferred.”.

8 **PART II—GENERAL PROVISIONS**

9 **SEC. 10011. BROADCAST RATES AND PREEMPTION.**

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

12 (1) in paragraph (1)—

13 (A) by striking “forty-five” and inserting
14 “30”; and

15 (B) by striking “lowest unit charge of the
16 station for the same class and amount of time
17 for the same period” and inserting “lowest
18 charge of the station for the same amount of
19 time for the same period on the same date”;
20 and

21 (2) by adding at the end the following new sen-
22 tence:

23 “In the case of an eligible Senate candidate (as defined
24 in section 301(19) of the Federal Election Campaign Act
25 of 1971), the charges for the use of a television broadcast-

1 ing station during the 60-day period referred to in para-
2 graph (1) shall not exceed 50 percent of the lowest charge
3 described in paragraph (1), except that this sentence shall
4 not apply to broadcasts which are to be paid by vouchers
5 which are received under section 503(c)(4) by reason of
6 the independent expenditure amount.”.

7 (b) PREEMPTION; ACCESS.—Section 315 of such Act
8 (47 U.S.C. 315) is amended by redesignating subsections
9 (c) and (d) as subsections (d) and (e), respectively, and
10 by inserting immediately after subsection (b) the following
11 new subsection:

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

18 “(2) If a program to be broadcast by a broadcasting
19 station is preempted because of circumstances beyond the
20 control of the broadcasting station, any candidate adver-
21 tising spot scheduled to be broadcast during that program
22 may also be preempted.”.

23 (c) REVOCATION OF LICENSE FOR FAILURE TO PER-
24 MIT ACCESS.—Section 312(a)(7) of such Act (47 U.S.C.
25 312(a)(7)) is amended—

1 (1) by striking “or repeated”;

2 (2) by inserting “or cable system” after “broad-
3 casting station”; and

4 (3) by striking “his candidacy” and inserting
5 “his or her candidacy, under the same terms, condi-
6 tions, and business practices as apply to its most fa-
7 vored advertiser”.

8 **SEC. 10012. REPORTING REQUIREMENTS FOR CERTAIN**
9 **INDEPENDENT EXPENDITURES.**

10 (a) IN GENERAL.—Section 304 of FECA (2 U.S.C.
11 434) is amended by adding at the end the following new
12 subsection:

13 “(d) TIME FOR REPORTING CERTAIN EXPENDI-
14 TURES.—(1) Any person making independent expendi-
15 tures aggregating \$1,000 or more after the 20th day, but
16 more than 24 hours, before any election shall file a report
17 of such expenditures within 24 hours after such expendi-
18 tures are made.

19 “(2) Any person making independent expenditures
20 aggregating \$10,000 or more at any time up to and in-
21 cluding the 20th day before any election shall file a report
22 within 48 hours after such expenditures are made. An ad-
23 ditional statement shall be filed each time independent ex-
24 penditures aggregating \$10,000 are made with respect to

1 the same election as the initial statement filed under this
2 section.

3 “(3) Any statement under this subsection shall be
4 filed with the Secretary of the Senate or the Commission,
5 and the Secretary of State of the State involved, as appro-
6 priate, and shall contain the information required by sub-
7 section (b)(6)(B)(iii) of this section, including whether the
8 independent expenditure is in support of, or in opposition
9 to, the candidate involved. The Secretary of the Senate
10 shall as soon as possible (but not later than 4 working
11 hours of the Commission) after receipt of a statement
12 transmit it to the Commission. Not later than 48 hours
13 after the Commission receives a report, the Commission
14 shall transmit a copy of the report to each candidate seek-
15 ing nomination or election to that office.

16 “(4) For purposes of this subsection, an expenditure
17 shall be treated as made when it is made or obligated to
18 be made.

19 “(5)(A) If any person intends to make independent
20 expenditures totaling \$5,000 or more during the 20 days
21 before an election, such person shall file a statement no
22 later than the 20th day before the election.

23 “(B) Any statement under subparagraph (A) shall be
24 filed with the Secretary of the Senate or the Commission,
25 and the Secretary of State of the State involved, as appro-

1 puate, and shall identify each candidate whom the expend-
2 iture will support or oppose. The Secretary of the Senate
3 shall as soon as possible (but not later than 4 working
4 hours of the Commission) after receipt of a statement
5 transmit it to the Commission. Not later than 48 hours
6 after the Commission receives a statement under this
7 paragraph, the Commission shall transmit a copy of the
8 statement to each candidate identified.

9 “(6) The Commission may make its own determina-
10 tion that a person has made, or has incurred obligations
11 to make, independent expenditures with respect to any
12 Federal election which in the aggregate exceed the applica-
13 ble amounts under paragraph (1) or (2). The Commission
14 shall notify each candidate in such election of such deter-
15 mination within 24 hours of making it.

16 “(7) At the same time as a candidate is notified
17 under paragraph (3), (5), or (6) with respect to expendi-
18 tures during a general election period, the Commission
19 shall certify eligibility to receive benefits under section
20 503(a).

21 “(8) The Secretary of the Senate shall make any
22 statement received under this subsection available for pub-
23 lic inspection and copying in the same manner as the Com-
24 mission under section 311(a)(4), and shall preserve such

1 statements in the same manner as the Commission under
2 section 311(a)(5).”.

3 (b) CONFORMING AMENDMENT.—Section 304(c)(2)
4 of FECA (2 U.S.C. 434(c)(2)) is amended by striking the
5 undesignated matter after subparagraph (C).

6 **SEC. 10013. CAMPAIGN ADVERTISING AMENDMENTS.**

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

8 (1) in the matter before paragraph (1) of sub-
9 section (a), by striking “Whenever” and inserting
10 “Whenever a political committee makes a disburse-
11 ment for the purpose of financing any communica-
12 tion through any broadcasting station, newspaper,
13 magazine, outdoor advertising facility, mailing, or
14 any other type of general public political advertising,
15 or whenever”;

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

19 (3) in the matter before paragraph (1) of sub-
20 section (a), by striking “direct”;

21 (4) in paragraph (3) of subsection (a), by in-
22 sserting after “name” the following “and permanent
23 street address”; and

24 (5) by adding at the end the following new sub-
25 sections:

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

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

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

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

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

16 “(2) If a broadcast or cablecast communication de-
17 scribed in paragraph (1) is broadcast or cablecast by
18 means of television, the communication shall include, in
19 addition to the audio statement under paragraph (1), a
20 written statement which—

21 “(A) states: ‘I, (name of the candidate), am a
22 candidate for (the office the candidate is seeking)
23 and I have approved this message’;

24 “(B) appears at the end of the communication
25 in a clearly readable manner with a reasonable de-

1 gree of color contrast between the background and
2 the printed statement, for a period of at least 4 sec-
3 onds; and

4 “(C) is accompanied by a clearly identifiable
5 photographic or similar image of the candidate.

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

10 ‘ _____ is responsible for the content of
11 this advertisement.’

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

19 **SEC. 10014. DEFINITIONS.**

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

23 “(19) The term ‘eligible Senate candidate’ means a
24 candidate who is certified under section 504 as eligible to
25 receive benefits under title V.

1 “(20) The term ‘general election’ means any election
2 which will directly result in the election of a person to a
3 Federal office. Such term includes a primary election
4 which may result in the election of a person to a Federal
5 office.

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

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

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

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

16 “(A) a candidate’s spouse;

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

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

22 “(23) The term ‘major party’ has the meaning given
23 such term in section 9002(6) of the Internal Revenue Code
24 of 1986, except that if a candidate qualified for the ballot
25 in a general election in an open primary in which all the

1 candidates for the office participated and which resulted
2 in the candidate and at least one other candidate qualify-
3 ing for the ballot in the general election, such candidate
4 shall be treated as a candidate of a major party for pur-
5 poses of title V.

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

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

13 “(A) the date of the first primary election for
14 that office following the last general election for that
15 office; or

16 “(B) the date on which the candidate withdraws
17 from the election or otherwise ceases actively to seek
18 election.

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

24 “(27) The term ‘runoff election period’ means, with
25 respect to any candidate, the period beginning on the day

1 following the date of the last primary election for the spe-
2 cific office such candidate is seeking and ending on the
3 date of the runoff election for such office.

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

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

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

14 “(B) for all other persons, the term beginning
15 on the first day following the date of the last general
16 election and ending on the date of the next general
17 election.”.

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

21 **SEC. 10015. PROVISIONS RELATING TO FRANKED MASS**
22 **MAILINGS.**

23 Section 3210(a)(6)(C) of title 39, United States
24 Code, is amended—

1 (1) by striking “if such mass mailing is post-
2 marked fewer than 60 days immediately before the
3 date” and inserting “if such mass mailing is post-
4 marked during the calendar year”; and

5 (2) by inserting “or reelection” immediately be-
6 fore the period.

7 **Subtitle B—Independent** 8 **Expenditures**

9 **SEC. 10021. CLARIFICATION OF DEFINITIONS RELATING TO** 10 **INDEPENDENT EXPENDITURES.**

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

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

18 “(i) contains express advocacy; and

19 “(ii) is made without the participation or co-
20 operation of a candidate or a candidate’s representa-
21 tive.

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

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

1 “(ii) An expenditure made by a person who,
2 during the election cycle, has communicated with or
3 received information from a candidate or a rep-
4 resentative of that candidate regarding activities
5 that have the purpose of influencing that candidate’s
6 election to Federal office, where the expenditure is
7 in support of that candidate or in opposition to an-
8 other candidate for that office.

9 “(iii) An expenditure if there is any arrange-
10 ment, coordination, or direction with respect to the
11 expenditure between the candidate or the candidate’s
12 agent and the person making the expenditure.

13 “(iv) An expenditure if, in the same election
14 cycle, the person making the expenditure is or has
15 been—

16 “(I) authorized to raise or expend funds on
17 behalf of the candidate or the candidate’s au-
18 thorized committees; or

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

22 “(v) An expenditure if the person making the
23 expenditure has advised or counseled the candidate
24 or the candidate’s agents at any time on the can-
25 didate’s plans, projects, or needs relating to the can-

1 candidate's pursuit of nomination for election, or elec-
2 tion, to Federal office, in the same election cycle, in-
3 cluding any advice relating to the candidate's deci-
4 sion to seek Federal office.

5 “(vi) An expenditure if the person making the
6 expenditure retains the professional services of any
7 individual or other person also providing services in
8 the same election cycle to the candidate in connec-
9 tion with the candidate's pursuit of nomination for
10 election, or election, to Federal office, including any
11 services relating to the candidate's decision to seek
12 Federal office.

13 “(vii) An expenditure if the person making the
14 expenditure has consulted at any time during the
15 calendar year in which the election is to be held
16 about the candidate's plans, projects, or needs relat-
17 ing to the candidate's pursuit of nomination for elec-
18 tion, or election, to Federal office, with—

19 “(I) any officer, director, employee or
20 agent of a party committee that has made or
21 intends to make expenditures or contributions,
22 pursuant to subsections (a), (d), or (h) of sec-
23 tion 315 in connection with the candidate's
24 campaign; or

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

7 For purposes of this subparagraph, the person making the
8 expenditure shall include any officer, director, employee,
9 or agent of such person, and the term ‘professional serv-
10 ices shall include any services (other than legal and ac-
11 counting services for purposes of ensuring compliance with
12 this title) in support of any candidate’s or candidates’ pur-
13 suit of nomination for election, or election, to Federal of-
14 fice.

15 “(18) The term ‘express advocacy’ means, when a
16 communication is taken as a whole and with limited ref-
17 erence to external events, an expression of support for or
18 opposition to a specific candidate, to a specific group of
19 candidates, or to candidates of a particular political party,
20 or a suggestion to take action with respect to an election,
21 such as to vote for or against, make contributions to, or
22 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 **SEC. 10022. EQUAL BROADCAST TIME.**

12 Section 315(a) of the Communications Act of 1934
13 (47 U.S.C. 315(a)) is amended to read as follows:

14 “(a)(1) If a licensee permits any person who is a le-
15 gally qualified candidate for public office to use a broad-
16 casting station other than any use required to be provided
17 under paragraph (2), the licensee shall afford equal oppor-
18 tunities to all other such candidates for that office in the
19 use of the broadcasting station.

20 “(2)(A) A person who reserves broadcast time the
21 payment for which would constitute an independent ex-
22 penditure within the meaning of section 301(17) of the
23 Federal Election Campaign Act of 1971 (2 U.S.C.
24 431(17)) shall—

1 “(i) inform the licensee that payment for the
2 broadcast time will constitute an independent ex-
3 penditure;

4 “(ii) inform the licensee of the names of all can-
5 didates for the office to which the proposed broad-
6 cast relates and state whether the message to be
7 broadcast is intended to be made in support of or
8 in opposition to each such candidate; and

9 “(iii) provide the licensee a copy of the state-
10 ment described in section 304(d) of the Federal
11 Election Campaign Act of 1971 (2 U.S.C. 434(d)).

12 “(B) A licensee who is informed as described in sub-
13 paragraph (A) shall—

14 “(i) if any of the candidates described in sub-
15 paragraph (A)(ii) has provided the licensee the name
16 and address of a person to whom notification under
17 this subparagraph is to be given—

18 “(I) notify such person of the proposed
19 making of the independent expenditure; and

20 “(II) allow any such candidate (other than
21 a candidate for whose benefit the independent
22 expenditure is made) to purchase the same
23 amount of broadcast time immediately after the
24 broadcast time paid for by the independent ex-
25 penditure; and

1 “(ii) in the case of an opponent of a candidate
2 for whose benefit the independent expenditure is
3 made who certifies to the licensee that the opponent
4 is eligible to have the cost of response broadcast
5 time paid using funds derived from a payment made
6 under section 503(a)(3)(B) of the Federal Election
7 Campaign Act of 1971, afford the opponent such
8 broadcast time without requiring payment in ad-
9 vance and at the cost specified in subsection (b).

10 “(3) A licensee shall have no power of censorship over
11 the material broadcast under this section.

12 “(4) Except as provided in paragraph (2), no obliga-
13 tion is imposed under this subsection upon any licensee
14 to allow the use of its station by any candidate.

15 “(5)(A) Appearance by a legally qualified candidate
16 on a—

17 “(i) bona fide newscast;

18 “(ii) bona fide news interview;

19 “(iii) bona fide news documentary (if the ap-
20 pearance of the candidate is incidental to the presen-
21 tation of the subject or subjects covered by the news
22 documentary); or

23 “(iv) on-the-spot coverage of bona fide news
24 events (including political conventions and activities
25 incidental thereto),

1 shall not be deemed to be use of a broadcasting station
2 within the meaning of this subsection.

3 “(B) Nothing in subparagraph (A) shall be construed
4 as relieving broadcasters, in connection with the presen-
5 tation of newscasts, news interviews, news documentaries,
6 and on-the-spot coverage of news events, from their obliga-
7 tion under this Act to operate in the public interest and
8 to afford reasonable opportunity for the discussion of con-
9 flicting views on issues of public importance.

10 “(6)(A) A licensee that endorses a candidate for Fed-
11 eral office in an editorial shall, within the time stated in
12 subparagraph (B), provide to all other candidates for elec-
13 tion to the same office—

14 “(i) notice of the date and time of broadcast of
15 the editorial;

16 “(ii) a taped or printed copy of the editorial;
17 and

18 “(iii) a reasonable opportunity to broadcast a
19 response using the licensee’s facilities.

20 “(B) In the case of an editorial described in subpara-
21 graph (A) that—

22 “(i) is first broadcast 72 hours or more prior to
23 the date of a primary, runoff, or general election,
24 the notice and copy described in subparagraph (A)

25 (i) and (ii) shall be provided not later than 24 hours

1 after the time of the first broadcast of the editorial,
2 and

3 “(ii) is first broadcast less than 72 hours before
4 the date of an election, the notice and copy shall be
5 provided at a time prior to the first broadcast that
6 will be sufficient to enable candidates a reasonable
7 opportunity to prepare and broadcast a response.”.

8 **Subtitle C—Expenditures**

9 **PART I—PERSONAL LOANS; CREDIT**

10 **SEC. 10031. PERSONAL CONTRIBUTIONS AND LOANS.**

11 Section 315 of FECA (2 U.S.C. 441a) is amended
12 by adding at the end the following new subsection:

13 “(j) LIMITATIONS ON PAYMENTS TO CANDIDATES.—

14 (1) If a candidate or a member of the candidate’s imme-
15 diate family made any loans to the candidate or to the
16 candidate’s authorized committees during any election
17 cycle, no contributions received after the date of the gen-
18 eral election for such election cycle may be used to repay
19 such loans.

20 “(2) No contribution by a candidate or member of
21 the candidate’s immediate family may be returned to the
22 candidate or member other than as part of a pro rata dis-
23 tribution of excess contributions to all contributors.”.

1 **SEC. 10032. EXTENSIONS OF CREDIT.**

2 Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as
3 amended by section 10021(b), is amended—

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

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

7 (3) by inserting at the end the following new
8 clause:

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

16 “(I) in an amount of more than
17 \$1,000; and

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

1 **PART II—PROVISIONS RELATING TO SOFT**

2 **MONEY OF POLITICAL PARTIES**

3 **SEC. 10033. DEFINITIONS.**

4 (a) CONTRIBUTION AND EXPENDITURE EXCEP-
5 TIONS.—(1) Clause (xii) of section 301(8)(B) of FECA
6 (2 U.S.C. 431(8)(B)(xii)) is amended—

7 (A) by inserting “in connection with volunteer
8 activities” after “such committee”; and

9 (B) by striking “and” at the end of subclause
10 (2), by inserting “and” at the end of subclause (3),
11 and by adding at the end the following new
12 subclause:

13 “(4) such activities are conducted solely
14 by, or any materials are distributed solely by,
15 volunteers;”.

16 (2) Clause (ix) of section 301(9)(B) of FECA (2
17 U.S.C. 431(9)(B)(ix)) is amended—

18 (A) by inserting “in connection with volunteer
19 activities” after “such committee”, and

20 (B) by striking “and” at the end of subclause
21 (2), by inserting “and” at the end of subclause (3),
22 and by adding at the end the following new
23 subclause:

24 “(4) any materials in connection with such
25 activities are prepared for distribution (and are
26 distributed) solely by volunteers;”.

1 (b) GENERIC ACTIVITIES; STATE PARTY GRASS-
2 ROOTS FUND.—Section 301 of FECA (2 U.S.C. 431), as
3 amended by section ____15, is amended by adding at the
4 end thereof the following new paragraphs:

5 “(30) The term ‘generic campaign activity’
6 means a campaign activity that promotes a political
7 party rather than any particular Federal or non-
8 Federal candidate.

9 “(31) The term ‘State Party Grassroots Fund’
10 means a separate segregated fund established and
11 maintained by a State committee of a political party
12 solely for purposes of making expenditures and other
13 disbursements described in section 324(d).”.

14 **SEC. 10034. CONTRIBUTIONS TO POLITICAL PARTY COM-**
15 **MITTEES.**

16 (a) INDIVIDUAL CONTRIBUTIONS TO STATE
17 PARTY.—Paragraph (1) of section 315(a) of FECA (2
18 U.S.C. 441a(a)(1)) is amended by striking “or” at the end
19 of subparagraph (B), by redesignating subparagraph (C)
20 as subparagraph (D), and by inserting after subparagraph
21 (B) the following new subparagraph:

22 “(C) to—

23 “(i) a State Party Grassroots Fund estab-
24 lished and maintained by a State committee of

1 a political party in any calendar year which, in
2 the aggregate, exceed \$20,000;

3 “(ii) any other political committee estab-
4 lished and maintained by a State committee of
5 a political party in any calendar year which, in
6 the aggregate, exceed \$5,000,

7 except that the aggregate contributions described in
8 this subparagraph which may be made by a person
9 to the State Party Grassroots Fund and all commit-
10 tees of a State Committee of a political party in any
11 State in any calendar year shall not exceed \$20,000;
12 or”.

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

19 “(C) to—

20 “(i) a State Party Grassroots Fund estab-
21 lished and maintained by a State committee of
22 a political party in any calendar year which, in
23 the aggregate, exceed \$15,000;

24 “(ii) to any other political committee estab-
25 lished and maintained by a State committee of

1 a political party which, in the aggregate, exceed
2 \$5,000,

3 except that the aggregate contributions described in
4 this subparagraph which may be made by a
5 multicandidate political committee to the State
6 Party Grassroots Fund and all committees of a
7 State Committee of a political party in any State in
8 any calendar year shall not exceed \$15,000; or”.

9 (c) OVERALL LIMIT.—Paragraph (3) of section
10 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended to read
11 as follows:

12 “(3)(A) No individual shall make contributions dur-
13 ing any election cycle (as defined in section 301(29)(B))
14 which, in the aggregate, exceed \$60,000.

15 “(B) No individual shall make contributions during
16 any calendar year—

17 “(i) to all candidates and their authorized polit-
18 ical committees which, in the aggregate, exceed
19 \$25,000; or

20 “(ii) to all political committees established and
21 maintained by State committees of a political party
22 which, in the aggregate, exceed \$20,000.

23 “(C) For purposes of subparagraph (B)(i), any con-
24 tribution made to a candidate or the candidate’s author-
25 ized political committees in a year other than the calendar

1 year in which the election is held with respect to which
2 such contribution is made shall be treated as made during
3 the calendar year in which the election is held.”.

4 (d) PRESIDENTIAL CANDIDATE COMMITTEE TRANS-
5 FERS.—(1) Subparagraph (B) of section 315(b)(1) of
6 FECA (2 U.S.C. 441a(b)(1)) is amended to read as fol-
7 lows:

8 “(B) in the case of a campaign for election
9 to such office, an amount equal to the sum of—

10 “(i) \$20,000,000, plus

11 “(ii) the lesser of—

12 “(I) 2 cents multiplied by the
13 voting age population of the United
14 States (as certified under subsection
15 (e) of this section), or

16 “(II) the amounts transferred by
17 the candidate and the authorized com-
18 mittees of the candidate to the na-
19 tional committee of the candidate’s
20 political party for distribution to State
21 Party Grassroots Funds.”.

22 (2) Subparagraph (A) of section 9002(11) of the In-
23 ternal Revenue Code of 1986 (defining qualified campaign
24 expense) is amended by striking “or” at the end of clause
25 (ii), by inserting “or” at the end of clause (iii), and by

1 inserting at the end the following new clause “(iv) any
2 transfers to the national committee of the candidate’s po-
3 litical party for distribution to State Party Grassroots
4 Funds (as defined in section 301(31) of the Federal Elec-
5 tion Campaign Act of 1971) to the extent such transfers
6 do not exceed the amount determined under section
7 315(b)(1)(B)(ii) of such Act.”.

8 **SEC. 10035. PROVISIONS RELATING TO NATIONAL, STATE,**
9 **AND LOCAL PARTY COMMITTEES.**

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

13 “POLITICAL PARTY COMMITTEES

14 “SEC. 324. (a) LIMITATIONS ON NATIONAL COMMIT-
15 TEE.—(1) A national committee of a political party and
16 the congressional campaign committees of a political party
17 may not solicit or accept contributions or transfers not
18 subject to the limitations, prohibitions, and reporting re-
19 quirements of this Act.

20 “(2) Paragraph (1) shall not apply to contributions—

21 “(A) that—

22 “(i) are to be transferred to a State com-
23 mittee of a political party and are used solely
24 for activities described in clauses (xi) through
25 (xvii) of paragraph (9)(B) of section 301; or

1 “(ii) are described in section
2 301(8)(B)(viii); and

3 “(B) with respect to which contributors have
4 been notified that the funds will be used solely for
5 the purposes described in subparagraph (A).

6 “(b) ACTIVITIES SUBJECT TO THIS ACT.—Any
7 amount solicited, received, expended, or disbursed directly
8 or indirectly by a national, State, district, or local commit-
9 tee of a political party (including any subordinate commit-
10 tee) with respect to any of the following activities shall
11 be subject to the limitations, prohibitions, and reporting
12 requirements of this Act:

13 “(1)(A) Any get-out-the-vote activity conducted
14 during a calendar year in which an election for the
15 office of President is held.

16 “(B) Any other get-out-the-vote activity unless
17 subsection (c)(2) applies to the activity.

18 “(2) Any generic campaign activity.

19 “(3) Any activity that identifies or promotes a
20 Federal candidate, regardless of whether—

21 “(A) a State or local candidate is also
22 identified or promoted; or

23 “(B) any portion of the funds disbursed
24 constitutes a contribution or expenditure under
25 this Act.

1 “(4) Voter registration.

2 “(5) Development and maintenance of voter
3 files during an even-numbered calendar year.

4 “(6) Any other activity that—

5 “(A) significantly affects a Federal elec-
6 tion, or

7 “(B) is not otherwise described in section
8 301(8)(B)(xvii).

9 Any amount spent to raise funds that are used, in whole
10 or in part, in connection with activities described in the
11 preceding paragraphs shall be subject to the limitations,
12 prohibitions, and reporting requirements of this Act.

13 “(c) GET-OUT-THE-VOTE ACTIVITIES BY STATE,
14 DISTRICT, AND LOCAL COMMITTEES OF POLITICAL PAR-
15 TIES.—(1) Except as provided in paragraph (2), any get-
16 out-the-vote activity for a State or local candidate, or for
17 a ballot measure, which is conducted by a State, district,
18 or local committee of a political party (including any sub-
19 ordinate committee) shall be subject to the limitations,
20 prohibitions, and reporting requirements of this Act.

21 “(2) Paragraph (1) shall not apply to any activity
22 which the State committee of a political party certifies to
23 the Commission is an activity which—

1 “(A) is conducted during a calendar year other
2 than a calendar year in which an election for the of-
3 fice of President is held,

4 “(B) is exclusively on behalf of (and specifically
5 identifies only) one or more State or local candidates
6 or ballot measures, and

7 “(C) does not include any effort or means used
8 to identify or turn out those identified to be support-
9 ers of any Federal candidate (including any activity
10 that is undertaken in coordination with, or on behalf
11 of, a candidate for Federal office).

12 “(d) STATE PARTY GRASSROOTS FUNDS.—(1) A
13 State committee of a political party may make disburse-
14 ments and expenditures from its State Party Grassroots
15 Fund only for—

16 “(A) any generic campaign activity;

17 “(B) payments described in clauses (v), (x), and
18 (xii) of paragraph (8)(B) and clauses (iv), (viii), and
19 (ix) of paragraph (9)(B) of section 301;

20 “(C) subject to the limitations of section
21 315(d), payments described in clause (xii) of para-
22 graph (8)(B), and clause (ix) of paragraph (9)(B),
23 of section 301 on behalf of candidates other than for
24 President and Vice President;

25 “(D) voter registration; and

1 “(E) development and maintenance of voter
2 files during an even-numbered calendar year.

3 “(2) Notwithstanding section 315(a)(4), no funds
4 may be transferred by a State committee of a political
5 party from its State Party Grassroots Fund to any other
6 State Party Grassroots Fund or to any other political com-
7 mittee, except a transfer may be made to a district or local
8 committee of the same political party in the same State
9 if such district or local committee—

10 “(A) has established a separate segregated fund
11 for the purposes described in paragraph (1); and

12 “(B) uses the transferred funds solely for those
13 purposes.

14 “(e) AMOUNTS RECEIVED BY GRASSROOTS FUND
15 FROM STATE AND LOCAL CANDIDATE COMMITTEES.—(1)
16 Any amount received by a State Party Grassroots Fund
17 from a State or local candidate committee for expenditures
18 described in subsection (b) that are for the benefit of that
19 candidate shall be treated as meeting the requirements of
20 subsection (b) and section 304(e) if—

21 “(A) such amount is derived from funds which
22 meet the requirements of this Act with respect to
23 any limitation or prohibition as to source or dollar
24 amount specified in section 315(a) (1)(A) and
25 (2)(A); and

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

2 “(i) maintains, in the account from which
3 payment is made, records of the sources and
4 amounts of funds for purposes of determining
5 whether such requirements are met; and

6 “(ii) certifies that such requirements were
7 met.

8 “(2) For purposes of paragraph (1)(A), in determin-
9 ing whether the funds transferred meet the requirements
10 of this Act described in such paragraph—

11 “(A) a State or local candidate committee’s
12 cash on hand shall be treated as consisting of the
13 funds most recently received by the committee, and

14 “(B) the committee must be able to dem-
15 onstrate that its cash on hand contains sufficient
16 funds meeting such requirements as are necessary to
17 cover the transferred funds.

18 “(3) Notwithstanding paragraph (1), any State Party
19 Grassroots Fund receiving any transfer described in para-
20 graph (1) from a State or local candidate committee shall
21 be required to meet the reporting requirements of this Act,
22 and shall submit to the Commission all certifications re-
23 ceived, with respect to receipt of the transfer from such
24 candidate committee.

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

5 (b) CONTRIBUTIONS AND EXPENDITURES.—(1) Sec-
6 tion 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended
7 by striking “and” at the end of clause (xiii), by striking
8 the period at the end of clause (xiv) and inserting a semi-
9 colon, and by adding at the end the following new clauses:

10 “(xv) any amount contributed to a
11 candidate for other than Federal office;

12 “(xvi) any amount received or ex-
13 pended to pay the costs of a State or local
14 political convention;

15 “(xvii) any payment for campaign ac-
16 tivities that are exclusively on behalf of
17 (and specifically identify only) State or
18 local candidates and do not identify any
19 Federal candidate, and that are not activi-
20 ties described in section 324(b) (without
21 regard to paragraph (6)(B)) or section
22 324(c)(1);

23 “(xviii) any payment for administra-
24 tive expenses of a State or local committee

1 of a political party, including expenses
2 for—

3 “(I) overhead, including party
4 meetings;

5 “(II) staff (other than individuals
6 devoting a significant amount of their
7 time to elections for Federal office
8 and individuals engaged in conducting
9 get-out-the-vote activities for a Fed-
10 eral election); and

11 “(III) conducting party elections
12 or caucuses;

13 “(xix) any payment for research per-
14 taining solely to State and local candidates
15 and issues;

16 “(xx) any payment for development
17 and maintenance of voter files other than
18 during the 1-year period ending on the
19 date during an even-numbered calendar
20 year on which regularly scheduled general
21 elections for Federal office occur; and

22 “(xxi) any payment for any other ac-
23 tivity which is solely for the purpose of in-
24 fluencing, and which solely affects, an elec-
25 tion for non-Federal office and which is

1 not an activity described in section 324(b)
2 (without regard to paragraph (6)(B)) or
3 section 324(c)(1).”.

4 (2) Section 301(9)(B) of FECA (2 U.S.C.
5 431(9)(B)) is amended by striking “and” at the end of
6 clause (ix), by striking the period at the end of clause (x)
7 and inserting a semicolon, and by adding at the end the
8 following new clauses:

9 “(xi) any amount contributed to a
10 candidate for other than Federal office;

11 “(xii) any amount received or ex-
12 pended to pay the costs of a State or local
13 political convention;

14 “(xiii) any payment for campaign ac-
15 tivities that are exclusively on behalf of
16 (and specifically identify only) State or
17 local candidates and do not identify any
18 Federal candidate, and that are not activi-
19 ties described in section 324(b) (without
20 regard to paragraph (6)(B)) or section
21 324(c)(1);

22 “(xiv) any payment for administrative
23 expenses of a State or local committee of
24 a political party, including expenses for—

1 “(I) overhead, including party
2 meetings;

3 “(II) staff (other than individuals
4 devoting a significant amount of their
5 time to elections for Federal office
6 and individuals engaged in conducting
7 get-out-the-vote activities for a Fed-
8 eral election); and

9 “(III) conducting party elections
10 or caucuses;

11 “(xv) any payment for research per-
12 taining solely to State and local candidates
13 and issues;

14 “(xvi) any payment for development
15 and maintenance of voter files other than
16 during the 1-year period ending on the
17 date during an even-numbered calendar
18 year on which regularly scheduled general
19 elections for Federal office occur; and

20 “(xvii) any payment for any other ac-
21 tivity which is solely for the purpose of in-
22 fluencing, and which solely affects, an elec-
23 tion for non-Federal office and which is
24 not an activity described in section 324(b)

1 (without regard to paragraph (6)(B)) or
2 section 324(c)(1).”.

3 (c) LIMITATION APPLIED AT NATIONAL LEVEL.—
4 Paragraph (3) of section 315(d) of FECA (2 U.S.C.
5 441a(d)(3)) is amended by adding at the end the following
6 new sentence:

7 “Notwithstanding the preceding sentence, the applicable
8 congressional campaign committee of a political party
9 shall make the expenditures described in this paragraph
10 which are authorized to be made by a national or State
11 committee with respect to a candidate in any State unless
12 it allocates all or a portion of such expenditures to either
13 or both of such committees.”.

14 (d) LIMITATIONS APPLY FOR ENTIRE ELECTION
15 CYCLE.—Section 315(d)(1) of FECA (2 U.S.C.
16 441a(d)(1)) is amended by adding at the end the following
17 new sentence: “Each limitation under the following para-
18 graphs shall apply to the entire election cycle for an of-
19 fice.”.

20 **SEC. 10036. RESTRICTIONS ON FUNDRAISING BY CAN-**
21 **DIDATES AND OFFICEHOLDERS.**

22 (a) STATE FUNDRAISING ACTIVITIES.—Section 315
23 of FECA (2 U.S.C. 441a), as amended by section 10031,
24 is amended by adding at the end the following new sub-
25 section:

1 “(k) LIMITATIONS ON FUNDRAISING ACTIVITIES OF
2 FEDERAL CANDIDATES AND OFFICEHOLDERS AND CER-
3 TAIN POLITICAL COMMITTEES.—(1) For purposes of this
4 Act, a candidate for Federal office, an individual holding
5 Federal office, or any agent of the candidate or individual
6 may not solicit funds to, or receive funds on behalf of,
7 any Federal or non-Federal candidate or political commit-
8 tee—

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

13 “(B) which are to be expended in connection
14 with any election for other than Federal office unless
15 such funds are not in excess of amounts permitted
16 with respect to Federal candidates and political com-
17 mittees under subsections (a) (1) and (2), and are
18 not from sources prohibited by such subsections with
19 respect to elections to Federal office.

20 “(2)(A) The aggregate amount which a person de-
21 scribed in subparagraph (B) may solicit from a
22 multicandidate political committee for State committees
23 described in subsection (a)(1)(C) (including subordinate
24 committees) for any calendar year shall not exceed the dol-

1 lar amount in effect under subsection (a)(2)(B) for the
2 calendar year.

3 “(B) A person is described in this subparagraph if
4 such person is a candidate for Federal office, an individual
5 holding Federal office, an agent of such a candidate or
6 individual, or any national, State, district, or local commit-
7 tee of a political party (including a subordinate committee)
8 and any agent of such a committee.

9 “(3) The appearance or participation by a candidate
10 for Federal office or individual holding Federal office in
11 any fundraising event conducted by a committee of a polit-
12 ical party or a candidate for other than Federal office shall
13 not be treated as a solicitation for purposes of paragraph
14 (1) if such candidate or individual does not solicit or re-
15 ceive, or make disbursements from, any funds resulting
16 from such activity.

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

21 “(5) For purposes of this subsection, an individual
22 shall be treated as holding Federal office if such individ-
23 ual—

24 “(A) holds a Federal office; or

1 “(B) holds a position described in level I of the
2 Executive Schedule under section 5312 of title 5,
3 United States Code.”.

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

8 “(l) TAX-EXEMPT ORGANIZATIONS.—(1) If an indi-
9 vidual is a candidate for, or holds, Federal office during
10 any period, such individual may not during such period
11 solicit contributions to, or on behalf of, any organization
12 which is described in section 501(c) of the Internal Reve-
13 nue Code of 1986 if a significant portion of the activities
14 of such organization include voter registration or get-out-
15 the-vote campaigns.

16 “(2) For purposes of this subsection, an individual
17 shall be treated as holding Federal office if such individ-
18 ual—

19 “(A) holds a Federal office; or

20 “(B) holds a position described in level I of the
21 Executive Schedule under section 5312 of title 5,
22 United States Code.”.

23 **SEC. 10037. REPORTING REQUIREMENTS.**

24 (a) REPORTING REQUIREMENTS.—Section 304 of
25 FECA (2 U.S.C. 434), as amended by section 10012(a),

1 is amended by adding at the end thereof the following new
2 subsection:

3 “(e) POLITICAL COMMITTEES.—(1) The national
4 committee of a political party and any congressional cam-
5 paign committee of a political party, and any subordinate
6 committee of either, shall report all receipts and disburse-
7 ments during the reporting period, whether or not in con-
8 nection with an election for Federal office.

9 “(2) A political committee (not described in para-
10 graph (1)) to which section 324 applies shall report all
11 receipts and disbursements including separate schedules
12 for receipts and disbursements for State Grassroots Funds
13 described in section 301(31).

14 “(3) Any political committee to which section 324 ap-
15 plies shall include in its report under paragraph (1) or
16 (2) the amount of any transfer described in section
17 324(d)(2) and shall itemize such amounts to the extent
18 required by section 304(b)(3)(A).

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

23 “(5) If a political committee has receipts or disburse-
24 ments to which this subsection applies from any person
25 aggregating in excess of \$200 for any calendar year, the

1 political committee shall separately itemize its reporting
2 for such person in the same manner as subsection (b)
3 (3)(A), (5), or (6).

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

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

11 “(C) The exclusion provided in clause (viii)
12 of subparagraph (B) shall not apply for pur-
13 poses of any requirement to report contribu-
14 tions under this Act, and all such contributions
15 aggregating in excess of \$200 shall be
16 reported.”.

17 (c) REPORTS BY STATE COMMITTEES.—Section 304
18 of FECA (2 U.S.C. 434), as amended by subsection (a),
19 is amended by adding at the end thereof the following new
20 subsection:

21 “(f) FILING OF STATE REPORTS.—In lieu of any re-
22 port required to be filed by this Act, the Commission may
23 allow a State committee of a political party to file with
24 the Commission a report required to be filed under State

1 law if the Commission determines such reports contain
2 substantially the same information.”.

3 (d) OTHER REPORTING REQUIREMENTS.—

4 (1) AUTHORIZED COMMITTEES.—Paragraph (4)
5 of section 304(b) of FECA (2 U.S.C. 434(b)(4)) is
6 amended by striking “and” at the end of subpara-
7 graph (H), by inserting “and” at the end of sub-
8 paragraph (I), and by adding at the end the follow-
9 ing new subparagraph:

10 “(J) in the case of an authorized commit-
11 tee, disbursements for the primary election, the
12 general election, and any other election in which
13 the candidate participates;”.

14 (2) NAMES AND ADDRESSES.—Subparagraph
15 (A) of section 304(b)(5) of FECA (2 U.S.C.
16 434(b)(5)(A)) is amended—

17 (A) by striking “within the calendar year”,
18 and

19 (B) by inserting “, and the election to
20 which the operating expenditure relates” after
21 “operating expenditure”.

1 **Subtitle D—Contributions**

2 **SEC. 10041. CONTRIBUTIONS THROUGH INTERMEDIARIES** 3 **AND CONDUITS; PROHIBITION ON CERTAIN** 4 **CONTRIBUTIONS BY LOBBYISTS.**

5 (a) CONTRIBUTIONS THROUGH INTERMEDIARIES
6 AND CONDUITS.—Section 315(a)(8) of FECA (2 U.S.C.
7 441a(a)(8)) is amended to read as follows:

8 “(8) For purposes of this subsection:

9 “(A) Contributions made by a person, either di-
10 rectly or indirectly, to or on behalf of a particular
11 candidate, including contributions that are in any
12 way earmarked or otherwise directed through an
13 intermediary or conduit to a candidate, shall be
14 treated as contributions from the person to the can-
15 didate. If a contribution is made to a candidate
16 through an intermediary or conduit, the
17 intermediary or conduit shall report the original
18 source and the intended recipient of the contribution
19 to the Commission and to the intended recipient.

20 “(B) Contributions made directly or indirectly
21 by a person to or on behalf of a particular candidate
22 through an intermediary or conduit, including con-
23 tributions arranged to be made by an intermediary
24 or conduit, shall be treated as contributions from the
25 intermediary or conduit to the candidate if—

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

6 “(ii) the intermediary or conduit is—

7 “(I) a political committee which is not
8 described in subparagraph (E), a political
9 party, or an officer, employee, or agent of
10 either;

11 “(II) an individual whose activities
12 are required to be reported under section
13 308 of the Federal Regulation of Lobbying
14 Act (2 U.S.C. 267), the Foreign Agents
15 Registration Act of 1938 (22 U.S.C. 611
16 et seq.), or any successor Federal law re-
17 quiring a person who is a lobbyist or for-
18 eign agent to report its activities;

19 “(III) a person which is prohibited
20 from making contributions under section
21 316 or which is a partnership; or

22 “(IV) an officer, employee, or agent of
23 a person described in subclause (II) or
24 (III) acting on behalf of such person.

1 “(C)(i) The term ‘contributions arranged to be
2 made’ includes—

3 “(I) contributions delivered to a particular
4 candidate or the candidate’s authorized commit-
5 tee or agent by the person who arranged for the
6 making of the contribution; and

7 “(II) contributions to a particular can-
8 didate or the candidate’s authorized committee
9 or agent that are made or arranged to be made
10 so as to identify to the candidate or authorized
11 committee or agent the person who arranged
12 for the making of the contribution.

13 “(ii) The term ‘acting on behalf of such person’
14 includes the following activities by an officer, em-
15 ployee, or agent of a person described in subpara-
16 graph (B)(ii) (II) or (III):

17 “(I) Soliciting the making of a contribu-
18 tion to a particular candidate in the name of
19 such a person.

20 “(II) Soliciting the making of a contribu-
21 tion to a particular candidate using other than
22 incidental resources of such a person.

23 “(III) Soliciting contributions for a par-
24 ticular candidate by directing a substantial por-

1 tion of the solicitations to other officers, em-
2 ployees, or agents of such a person.

3 “(iii) Except for purposes of subclauses (I) and
4 (II) of clause (ii), an individual shall not be treated
5 as an officer, employee, or agent of a person if—

6 “(I) in the case of a membership organiza-
7 tion, the individual is a member of the organi-
8 zation, or

9 “(II) the individual serves on the board of
10 the person and the individual does not receive
11 any compensation from that person (or any
12 subsidiary or affiliated person) by reason of
13 serving in that capacity.

14 “(D) Nothing in this paragraph shall apply
15 to—

16 “(i) bona fide joint fundraising efforts con-
17 ducted solely for the purpose of sponsorship of
18 a fundraising reception, dinner, or other similar
19 event, in accordance with rules prescribed by
20 the Commission, by 2 or more candidates acting
21 on their own behalf;

22 “(ii) fundraising efforts for the benefit of
23 a candidate that are conducted by another can-
24 didate or Federal officeholder; or

1 “(iii) the solicitation by an individual,
2 using the individual’s own resources and acting
3 in the individual’s own name, of contributions
4 from other persons in a manner that does not
5 identify the solicitor with the making of the
6 contribution.

7 “(E)(i) For purposes of subparagraph
8 (B)(ii)(I), a political committee described in this
9 subparagraph is one which—

10 “(I) does not have a connected organiza-
11 tion;

12 “(II) has not contracted for the services of,
13 and does not employ on a full or part-time
14 basis, any individual described in subparagraph
15 (B)(ii)(II) during the same election cycle; and

16 “(III) is not affiliated with any person or
17 organization that has contracted for the serv-
18 ices of, or has employed on a full or part-time
19 basis, any individual described in subparagraph
20 (B)(ii)(II) during the same election cycle.

21 “(ii) For purposes of clause (i)(III), organiza-
22 tions are affiliated if they are established, financed,
23 maintained, or controlled by the same person or
24 group of persons. Evidence of such affiliation in-
25 cludes, but is not limited to—

1 “(I) common membership, employees, offi-
2 cers, or facilities;

3 “(II) the donation, contribution, or trans-
4 fer of funds between the organizations;

5 “(III) the exchange, sharing, or disclosure
6 of any membership, mailing, contributor, or
7 other list of names; or

8 “(IV) the authority or ability to direct, or
9 to participate in, the governance or decision-
10 making of an organization.”

11 (b) REPORTING OF EARMARKED CONTRIBUTIONS.—
12 Section 304, as amended by section 10037, is further
13 amended by adding the following new subsection:

14 “(f) REPORTING OF EARMARKED CONTRIBUTIONS.—
15 (1) An intermediary or conduit shall report the original
16 source and the intended recipient of each contribution for-
17 warded to a candidate in accordance with section
18 315(a)(8), and the identification of each contributor as re-
19 quired by subsection (b)(3). The intermediary or conduit
20 shall also report the total amount of contributions made
21 through the intermediary or conduit for each candidate
22 to whom contributions were directed in the reporting pe-
23 riod, the dates on which the contributions were received
24 for that candidate, and the dates on which they were for-
25 warded to the candidate.

1 “(2) An authorized committee which receives con-
2 tributions through an intermediary or conduit shall report
3 the total amount received through each intermediary or
4 conduit in the reporting period, the dates the contributions
5 were received, and the identification of each contributor
6 as required by subsection (b)(3).”.

7 (c) PROHIBITION OF CERTAIN CONTRIBUTIONS BY
8 LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as
9 amended by section 10036(b), is amended by adding at
10 the end the following new subsection:

11 “(m)(1) A lobbyist, or a political committee controlled
12 by a lobbyist, shall not make a contribution to—

13 “(A) a Federal officeholder or candidate for
14 Federal office if, during the preceding 12 months,
15 the lobbyist has made a lobbying contact with such
16 officeholder or candidate; or

17 “(B) any authorized committee of the President
18 or Vice President of the United States if, during the
19 preceding 12 months, the lobbyist has made a lobby-
20 ing contact with a covered executive branch official.

21 “(2) A lobbyist who, or a lobbyist whose political com-
22 mittee, has made any contribution to any member of Con-
23 gress or candidate for Congress (or any authorized com-
24 mittee of the President) shall not, during the 12 months
25 following such contribution, make a lobbying contact with

1 such member or candidate who becomes a member of Con-
2 gress or with a covered executive branch official.

3 “(3) For purposes of this subsection—

4 “(A) the term ‘covered executive branch official’
5 means the President, Vice President, any officer or
6 employee of the executive office of the President
7 other than a clerical or secretarial employee, any of-
8 ficer or employee serving in an Executive Level I, II,
9 III, IV, or V position as designated in statute or Ex-
10 ecutive order, any officer or employee serving in a
11 senior executive service position (as defined in sec-
12 tion 3232(a)(2) of title 5, United States Code), any
13 member of the uniformed services whose pay grade
14 is at or in excess of 0-7 under section 201 of title
15 37, United States Code, and any officer or employee
16 serving in a position of confidential or policy-deter-
17 mining character under schedule C of the excepted
18 service pursuant to regulations implementing section
19 2103 of title 5, United States Code;

20 “(B) the term ‘lobbyist’ means—

21 “(i) a person required to register under
22 section 308 of the Federal Regulation of Lobby-
23 ing Act (2 U.S.C. 267) or the Foreign Agents
24 Registration Act of 1938 (22 U.S.C. 611 et
25 seq.) or any successor Federal law requiring a

1 person who is a lobbyist or foreign agent to reg-
2 ister or a person to report its lobbying activi-
3 ties; or

4 “(C) the term ‘lobbying contact’—

5 “(i) means an oral or written communica-
6 tion with or appearance before a member of
7 Congress or covered executive branch official
8 made by a lobbyist representing an interest of
9 another person with regard to—

10 “(I) the formulation, modification, or
11 adoption of Federal legislation (including a
12 legislative proposal);

13 “(II) the formulation, modification, or
14 adoption of a Federal rule, regulation, Ex-
15 ecutive order, or any other program, policy
16 or position of the United States Govern-
17 ment; or

18 “(III) the administration or execution
19 of a Federal program or policy (including
20 the negotiation, award, or administration
21 of a Federal contract, grant, loan, permit,
22 or license); but

23 “(ii) does not include a communication
24 that is—

1 “(I) made by a public official acting
2 in an official capacity;

3 “(II) made by a representative of a
4 media organization who is primarily en-
5 gaged in gathering and disseminating news
6 and information to the public;

7 “(III) made in a speech, article, publi-
8 cation, or other material that is widely dis-
9 tributed to the public or through the
10 media;

11 “(IV) a request for an appointment, a
12 request for the status of a Federal action,
13 or another similar ministerial contact, if
14 there is no attempt to influence a member
15 of Congress or covered executive branch of-
16 ficial at the time of the contact;

17 “(V) made in the course of participa-
18 tion in an advisory committee subject to
19 the Federal Advisory Committee Act (5
20 U.S.C. App.);

21 “(VI) testimony given before a com-
22 mittee, subcommittee, or office of Congress
23 a Federal agency, or submitted for inclu-
24 sion in the public record of a hearing con-

1 ducted by the committee, subcommittee, or
2 office;

3 “(VII) information provided in writing
4 in response to a specific written request
5 from a member of Congress or covered ex-
6 ecutive branch official;

7 “(VIII) required by subpoena, civil in-
8 vestigative demand, or otherwise compelled
9 by statute, regulation, or other action of
10 Congress or a Federal agency;

11 “(IX) made to an agency official with
12 regard to a judicial proceeding, criminal or
13 civil law enforcement inquiry, investigation,
14 or proceeding, or filing required by law;

15 “(X) made in compliance with written
16 agency procedures regarding an adjudica-
17 tion conducted by the agency under section
18 554 of title 5, United States Code, or sub-
19 stantially similar provisions;

20 “(XI) a written comment filed in a
21 public docket and other communication
22 that is made on the record in a public pro-
23 ceeding;

1 “(XII) a formal petition for agency
2 action, made in writing pursuant to estab-
3 lished agency procedures; or

4 “(XIII) made on behalf of a person
5 with regard to the person’s benefits, em-
6 ployment, other personal matters involving
7 only that person, or disclosures pursuant
8 to a whistleblower statute.”.

9 “(5) For purposes of this subsection, a lobbyist shall
10 be considered to make a lobbying contact or communica-
11 tion with a member of Congress if the lobbyist makes a
12 lobbying contact or communication with—

13 “(A) the member of Congress;

14 “(B) any person employed in the office of the
15 member of Congress; or

16 “(C) any person employed by a committee, joint
17 committee, or leadership office who, to the knowl-
18 edge of the lobbyist, was employed at the request of
19 or is employed at the pleasure of, reports primarily
20 to, represents, or acts as the agent of the member
21 of Congress.”.

1 **SEC. 10042. CONTRIBUTIONS BY DEPENDENTS NOT OF VOT-**
2 **ING AGE.**

3 Section 315 of FECA (2 U.S.C. 441a), as amended
4 by section 10041(c), is amended by adding at the end the
5 following new subsection:

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

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

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

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

18 **SEC. 10043. CONTRIBUTIONS TO CANDIDATES FROM STATE**
19 **AND LOCAL COMMITTEES OF POLITICAL PAR-**
20 **TIES TO BE AGGREGATED.**

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

24 “(9) Notwithstanding paragraph (5)(B), a candidate
25 for Federal office may not accept, with respect to an elec-
26 tion, any contribution from a State or local committee of

1 a political party (including any subordinate committee of
2 such committee), if such contribution, when added to the
3 total of contributions previously accepted from all such
4 committees of that political party, exceeds a limitation on
5 contributions to a candidate under this section.”.

6 **SEC. 10044. CONTRIBUTIONS AND EXPENDITURES USING**
7 **MONEY SECURED BY PHYSICAL FORCE OR**
8 **OTHER INTIMIDATION.**

9 Title III of FECA, as amended by section 10054, is
10 amended by adding at the end the following new section:

11 “CONTRIBUTIONS AND EXPENDITURES USING MONEY
12 SECURED BY PHYSICAL FORCE OR OTHER INTIMIDATION
13 “SEC. 326. It shall be unlawful for any person to—
14 “(1) cause another person to make a contribu-
15 tion or expenditure by using physical force, job dis-
16 crimination, financial reprisals, or the threat of
17 physical force, job discrimination, or financial re-
18 prisal; or
19 “(2) make a contribution or expenditure utiliz-
20 ing money or anything of value secured in the man-
21 ner described in paragraph (1).”.

1 **SEC. 10045. PROHIBITION OF ACCEPTANCE BY A CAN-**
2 **DIDATE OF CASH CONTRIBUTIONS FROM ANY**
3 **ONE PERSON AGGREGATING MORE THAN**
4 **\$100.**

5 Section 321 of FECA (2 U.S.C. 441g) is amended
6 by inserting “, and no candidate or authorized committee
7 of a candidate shall accept from any one person,” after
8 “make”.

9 **Subtitle E—Miscellaneous**

10 **SEC. 10051. PROHIBITION OF LEADERSHIP COMMITTEES.**

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

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

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

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

25 “(B) a candidate may designate a political com-
26 mittee established solely for the purpose of joint

1 fundraising by such candidates as an authorized
2 committee.”; and

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

5 “(6)(A) A candidate for Federal office or any individ-
6 ual holding Federal office may not establish, finance,
7 maintain, or control any Federal or non-Federal political
8 committee other than a principal campaign committee of
9 the candidate, authorized committee, party committee, or
10 other political committee designated in accordance with
11 paragraph (3). A candidate for more than one Federal of-
12 fice may designate a separate principal campaign commit-
13 tee for each Federal office. This paragraph shall not pre-
14 clude a Federal officeholder who is a candidate for State
15 or local office from establishing, financing, maintaining,
16 or controlling a political committee for election of the indi-
17 vidual to such State or local office.

18 “(B) For one year after the effective date of this
19 paragraph, any political committee established before such
20 date but which is prohibited under subparagraph (A) may
21 continue to make contributions. At the end of that period
22 such political committee shall disburse all funds by one
23 or more of the following means: making contributions to
24 an entity qualified under section 501(c)(3) of the Internal
25 Revenue Code of 1986; making a contribution to the treas-

1 ury of the United States; contributing to the national,
2 State or local committees of a political party; or making
3 contributions not to exceed \$1,000 to candidates for elec-
4 tive office.”.

5 **SEC. 10052. TELEPHONE VOTING BY PERSONS WITH DIS-**
6 **ABILITIES.**

7 (a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH
8 DISABILITIES TO VOTE BY TELEPHONE.—

9 (1) IN GENERAL.—The Federal Election Com-
10 mission shall conduct a study to determine the fea-
11 sibility of developing a system or systems by which
12 persons with disabilities may be permitted to vote by
13 telephone.

14 (2) CONSULTATION.—The Federal Election
15 Commission shall conduct the study described in
16 paragraph (1) in consultation with State and local
17 election officials, representatives of the telecommuni-
18 cations industry, representatives of persons with dis-
19 abilities, and other concerned members of the public.

20 (3) CRITERIA.—The system or systems devel-
21 oped pursuant to paragraph (1) shall—

22 (A) propose a description of the kinds of
23 disabilities that impose such difficulty in travel
24 to polling places that a person with a disability

1 who may desire to vote is discouraged from un-
2 dertaking such travel;

3 (B) propose procedures to identify persons
4 who are so disabled; and

5 (C) describe procedures and equipment
6 that may be used to ensure that—

7 (i) only those persons who are entitled
8 to use the system are permitted to use it;

9 (ii) the votes of persons who use the
10 system are recorded accurately and remain
11 secret;

12 (iii) the system minimizes the possibil-
13 ity of vote fraud; and

14 (iv) the system minimizes the finan-
15 cial costs that State and local governments
16 would incur in establishing and operating
17 the system.

18 (4) REQUESTS FOR PROPOSALS.—In developing
19 a system described in paragraph (1), the Federal
20 Election Commission may request proposals from
21 private contractors for the design of procedures and
22 equipment to be used in the system.

23 (5) PHYSICAL ACCESS.—Nothing in this section
24 is intended to supersede or supplant efforts by State

1 and local governments to make polling places phys-
2 ically accessible to persons with disabilities.

3 (6) DEADLINE.—The Federal Election Commis-
4 sion shall submit to Congress the study required by
5 this section not later than 1 year after the effective
6 date of this Act.

7 **SEC. 10053. CERTAIN TAX-EXEMPT ORGANIZATIONS NOT**
8 **SUBJECT TO CORPORATE LIMITS.**

9 Section 316 of FECA (2 U.S.C. 441b) is amended
10 by adding at the end the following new subsection:

11 “(c) PROHIBITIONS NOT TO APPLY TO INDEPEND-
12 ENT EXPENDITURES OF CERTAIN TAX-EXEMPT ORGANI-
13 ZATIONS.—(1) Nothing in this section shall preclude a
14 qualified nonprofit corporation from making independent
15 expenditures (as defined in section 301(17)).

16 “(2) For purposes of this subsection, the term ‘quali-
17 fied nonprofit corporation’ means a corporation exempt
18 from taxation under section 501(a) of the Internal Reve-
19 nue Code of 1986 which is described in section 501(c)(4)
20 of such Code and which meets the following requirements:

21 “(A) Its only express purpose is the promotion
22 of political ideas.

23 “(B) It cannot and does not engage in any ac-
24 tivities that constitute a trade or business.

1 “(C) Its gross receipts for the calendar year
2 have not (and will not) exceed \$100,000, and the net
3 value of its total assets at any time during the cal-
4 endar year do not exceed \$250,000.

5 “(D) It was not established by a person de-
6 scribed in section 501(c)(6) of the Internal Revenue
7 Code of 1986 that is exempt from taxation under
8 section 501(a) of such Code, a corporation engaged
9 in carrying out a trade or business, or a labor orga-
10 nization, and it cannot and does not directly or indi-
11 rectly accept donations of anything of value from
12 any such person, corporation, or labor organization.

13 “(E) It—

14 “(i) has no shareholder or other person af-
15 filiated with it that could make a claim on its
16 assets or earnings, and

17 “(ii) offers no incentives or disincentives
18 for associating or not associating with it other
19 than on the basis of its position on any political
20 issue.

21 “(3) If a major purpose of a qualified nonprofit cor-
22 poration is the making of independent expenditures, and
23 the requirements of section 301(4) are met with respect
24 to the corporation, the corporation shall be treated as a
25 political committee.

1 opponent or the opponents of the candidate in an election,
2 with or without identifying any opponent in particular,
3 shall file an exact copy of the communication with the
4 Commission and with the Secretary of State of the can-
5 didate's State by no later than 12:00 p.m. on the day on
6 which the communication is first placed in the mail to the
7 general public.

8 “(b) PERSONS OTHER THAN CANDIDATES.—A per-
9 son other than a candidate or candidate's authorized com-
10 mittee that places in the mail a campaign advertisement
11 or any other communication to the general public that—

12 “(1) advocates the election of a particular can-
13 didate in an election; and

14 “(2) directly or indirectly refers to an opponent
15 or the opponents of the candidate in the election,
16 with or without identifying any opponent in particu-
17 lar,

18 shall file an exact copy of the communication with the
19 Commission and with the Secretary of State of the can-
20 didate's State by no later than 12:00 p.m. on the day on
21 which the communication is first placed in the mail to the
22 general public.”.

1 **SEC. 10056. LIMIT ON CONGRESSIONAL USE OF THE FRANK-**
2 **ING PRIVILEGE.**

3 Section 3210(a)(6)(A) of title 39, United States
4 Code, is amended to read as follows:

5 “(A) A Member of Congress may not mail any mass
6 mailing as franked mail during a year in which there will
7 be an election for the seat held by the Member during the
8 period between January 1 of that year and the date of
9 the general election for that office, unless the Member has
10 made a public announcement that the Member will not be
11 a candidate for reelection to that seat or for election to
12 any other Federal office.”.

13 **Subtitle F—Effective Dates;**
14 **Authorizations**

15 **SEC. 10061. EFFECTIVE DATE.**

16 Except as otherwise provided in this title, the amend-
17 ments made by, and the provisions of, this title shall take
18 effect on the date of the enactment of this title.

19 **SEC. 10062. BUDGET NEUTRALITY.**

20 (a) DELAYED EFFECTIVENESS.—The provisions of
21 this title (other than this section) shall not be effective
22 until the Director of the Office of Management and Budg-
23 et certifies that the estimated costs under section 252 of
24 the Balanced Budget and Emergency Deficit Control Act
25 of 1985 have been offset by the enactment of legislation
26 effectuating this title.

1 (b) FUNDING.—Legislation effectuating this title
2 shall not provide for general revenue increases, reduce ex-
3 penditures for any existing Federal program, or increase
4 the Federal budget deficit.

5 **SEC. 10063. SEVERABILITY.**

6 Except as provided in section 10001(c), if any provi-
7 sion of this title (including any amendment made by this
8 title), or the application of any such provision to any per-
9 son or circumstance, is held invalid, the validity of any
10 other provision of this title, or the application of such pro-
11 vision to other persons and circumstances, shall not be af-
12 fected thereby.

13 **SEC. 10064. EXPEDITED REVIEW OF CONSTITUTIONAL IS-**
14 **SUES.**

15 (a) DIRECT APPEAL TO SUPREME COURT.—An ap-
16 peal may be taken directly to the Supreme Court of the
17 United States from any interlocutory order or final judg-
18 ment, decree, or order issued by any court ruling on the
19 constitutionality of any provision of this title or amend-
20 ment made by this title.

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

1 SEC. 10065. REGULATIONS.

2 The Federal Election Commission shall prescribe any
3 regulations required to carry out the provisions of this title
4 within 9 months after the effective date of this title.

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