

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 46

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

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IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

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

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

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

4 **TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Senate Campaign Financing and Spending Reform Act”.

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

4 (c) TABLE OF CONTENTS.—

- Sec. 1. Short title; amendment of Campaign Act; table of contents.  
 Sec. 2. Findings and declarations of the Senate.

#### TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

##### Subtitle A—Senate Election Campaign Spending Limits and Benefits

- Sec. 101. Senate spending limits and benefits.  
 Sec. 102. Ban on activities of political action committees in Federal elections.  
 Sec. 103. Reporting requirements.  
 Sec. 104. Disclosure by noneligible candidates.

##### Subtitle B—General Provisions

- Sec. 131. Broadcast rates and preemption.  
 Sec. 132. Extension of reduced third-class mailing rates to eligible Senate candidates.  
 Sec. 133. Reporting requirements for certain independent expenditures.  
 Sec. 134. Campaign advertising amendments.  
 Sec. 135. Definitions.  
 Sec. 136. Provisions relating to franked mass mailings.

#### TITLE II—INDEPENDENT EXPENDITURES

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

#### TITLE III—EXPENDITURES

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

- Sec. 301. Personal contributions and loans.  
 Sec. 302. Extensions of credit.

##### Subtitle B—Provisions Relating to Soft Money of Political Parties

- Sec. 311. Reporting requirements.

#### TITLE IV—CONTRIBUTIONS

- Sec. 401. Contributions through intermediaries and conduits; prohibition on certain contributions by lobbyists.  
 Sec. 402. Contributions by dependents not of voting age.  
 Sec. 403. Contributions to candidates from State and local committees of political parties to be aggregated.  
 Sec. 404. Limited exclusion of advances by campaign workers from the definition of the term “contribution”.

#### TITLE V—REPORTING REQUIREMENTS

- Sec. 501. Change in certain reporting from a calendar year basis to an election cycle basis.
- Sec. 502. Personal and consulting services.
- Sec. 503. Reduction in threshold for reporting of certain information by persons other than political committees.
- Sec. 504. Computerized indices of contributions.

#### TITLE VI—FEDERAL ELECTION COMMISSION

- Sec. 601. Use of candidates' names.
- Sec. 602. Reporting requirements.
- Sec. 603. Provisions relating to the general counsel of the Commission.
- Sec. 604. Enforcement.
- Sec. 605. Penalties.
- Sec. 606. Random audits.
- Sec. 607. Prohibition of false representation to solicit contributions.
- Sec. 608. Regulations relating to use of non-Federal money.

#### TITLE VII—MISCELLANEOUS

- Sec. 701. Prohibition of leadership committees.
- Sec. 702. Polling data contributed to candidates.
- Sec. 703. Sense of the Senate that Congress should consider adoption of a joint resolution proposing an amendment to the Constitution that would empower Congress and the States to set reasonable limits on campaign expenditures.
- Sec. 704. Personal use of campaign funds.

#### TITLE VIII—EFFECTIVE DATES; AUTHORIZATIONS

- Sec. 801. Effective date.
- Sec. 802. Severability.
- Sec. 803. Expedited review of constitutional issues.

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

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

4 (1) the current system of campaign finance has  
5 led to public perceptions that political contributions  
6 and their solicitation have unduly influenced the offi-  
7 cial conduct of elected officials;

8 (2) permitting candidates for Federal office to  
9 raise and spend unlimited amounts of money con-  
10 stitutes a fundamental flaw in the current system of

1 campaign finance, and has undermined public re-  
2 spect for the Senate as an institution;

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

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

12 (5) to prevent the appearance of undue influ-  
13 ence and to restore public trust in the Senate as an  
14 institution, it is necessary to limit campaign expend-  
15 itures, through a system which provides public bene-  
16 fits to candidates who agree to limit campaign ex-  
17 penditures.

18 (b) NECESSITY FOR BAN ON POLITICAL ACTION  
19 COMMITTEES.—The Senate finds and declares that—

20 (1) contributions by political action committees  
21 to individual candidates have created the perception  
22 that candidates are beholden to special interests,  
23 and leave candidates open to charges of undue influ-  
24 ence;

1           (2) contributions by political action committees  
2           to individual candidates have undermined public con-  
3           fidence in the Senate as an institution; and

4           (3) to restore public trust in the Senate as an  
5           institution, responsive to individuals residing within  
6           the respective States, it is necessary to encourage  
7           candidates to raise most of their campaign funds  
8           from individuals residing within those States.

9           (c) NECESSITY FOR ATTRIBUTING COOPERATIVE EX-  
10          PENDITURES TO CANDIDATES.—The Senate finds and de-  
11          clares that—

12           (1) public confidence and trust in the system of  
13           campaign finance would be undermined should any  
14           candidate be able to circumvent a system of caps on  
15           expenditures through cooperative expenditures with  
16           outside individuals, groups, or organizations;

17           (2) cooperative expenditures by candidates with  
18           outside individuals, groups, or organizations would  
19           severely undermine the effectiveness of caps on cam-  
20           paign expenditures, unless they are included within  
21           such caps; and

22           (3) to maintain the integrity of the system of  
23           campaign finance, expenditures by any individual,  
24           group, or organization that have been made in co-  
25           operation with any candidate, authorized committee,

1 or agent of any candidate must be attributed to that  
2 candidate's cap on campaign expenditures.

3 **TITLE I—CONTROL OF CON-**  
4 **GRESSIONAL CAMPAIGN**  
5 **SPENDING**

6 **Subtitle A—Senate Election Cam-**  
7 **paign Spending Limits and Ben-**  
8 **efits**

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

10 (a) AMENDMENT OF FECA.—

11 (1) IN GENERAL.—FECA is amended by adding  
12 at the end the following new title:

13 **“TITLE V—SPENDING LIMITS**  
14 **AND BENEFITS FOR SENATE**  
15 **ELECTION CAMPAIGNS**

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

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

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

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

23 “(3) meets the threshold contribution require-  
24 ments of subsection (e).

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

4               “(A) the candidate and the candidate’s author-  
5       ized committees—

6                       “(i)(I) will meet the primary and runoff  
7       election expenditure limits of subsection (d);  
8       and

9                       “(II) will only accept contributions for the  
10      primary and runoff elections which do not ex-  
11      ceed such limits;

12                      “(ii)(I) will meet the primary and runoff  
13      election multicandidate political committee con-  
14      tribution limits of subsection (f); and

15                      “(II) will only accept contributions for the  
16      primary and runoff elections from  
17      multicandidate political committees which do  
18      not exceed such limits; and

19                      “(iii) will limit acceptance of contributions  
20      during an election cycle from individuals resid-  
21      ing outside the candidate’s State and  
22      multicandidate political committees, combined,  
23      to less than 50 percent of the aggregate amount  
24      of contributions accepted from all contributors;

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

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

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

10          “(c) GENERAL ELECTION FILING REQUIREMENTS.—

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

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

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

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



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

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

8           “(iii) will limit acceptance of contributions  
9 during an election cycle from individuals resid-  
10 ing outside the candidate’s State and  
11 multicandidate political committees, combined,  
12 to less than 50 percent of the aggregate amount  
13 of contributions accepted from all contributors;

14           “(B) the candidate met the threshold contribu-  
15 tion requirement under subsection (e), and that only  
16 allowable contributions were taken into account in  
17 meeting such requirement;

18           “(C) at least one other candidate has qualified  
19 for the same general election ballot under the law of  
20 the State involved;

21           “(D) such candidate and the authorized com-  
22 mittees of such candidate—

23           “(i) except as otherwise provided by this  
24 title, will not make expenditures which exceed

1 the general election expenditure limit under sec-  
2 tion 502(b);

3 “(ii) will not accept any contributions in  
4 violation of section 315;

5 “(iii) except as otherwise provided by this  
6 title, will not accept any contribution for the  
7 general election involved to the extent that such  
8 contribution would cause the aggregate amount  
9 of such contributions to exceed the sum of the  
10 amount of the general election expenditure limit  
11 under section 502(b) and the amount described  
12 in section 502(c), reduced by any amounts  
13 transferred to the current election cycle from a  
14 previous election cycle and not taken into ac-  
15 count under subparagraph (A)(ii);

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

21 “(v) will furnish campaign records, evi-  
22 dence of contributions, and other appropriate  
23 information to the Commission; and

1           “(vi) will cooperate in the case of any audit  
2           and examination by the Commission under sec-  
3           tion 506; and

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

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

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

10          “(B) if, under State law, a primary or runoff  
11          election to qualify for the general election ballot oc-  
12          curs after September 1, the date the candidate wins  
13          the primary or runoff election.

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

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

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

21                  “(ii) \$2,750,000.

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

1       “(2) The limitations under subparagraphs (A) and  
2 (B) of paragraph (1) with respect to any candidate shall  
3 be increased by the aggregate amount of independent ex-  
4 penditures in opposition to, or on behalf of any opponent  
5 of, such candidate during the primary or runoff election  
6 period, whichever is applicable, which are required to be  
7 reported to the Secretary of the Senate with respect to  
8 such period under section 304(c).

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

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

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

20               “(ii) would cause the aggregate contributions  
21 received for the general election to exceed the limits  
22 under subsection (c)(1)(D)(iii).

23       “(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—

24 (1) The requirements of this subsection are met if the can-  
25 didate and the candidate’s authorized committees have re-

1 ceived allowable contributions during the applicable period  
2 in an amount at least equal to the lesser of—

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

5 “(B) \$250,000.

6 “(2) For purposes of this section and section  
7 503(b)—

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

12 “(B) The term ‘allowable contributions’ shall  
13 not include—

14 “(i) contributions made directly or indi-  
15 rectly through an intermediary or conduit which  
16 are treated as made by such intermediary or  
17 conduit under section 315(a)(8)(B);

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

21 “(iii) contributions from individuals resid-  
22 ing outside the candidate’s State to the extent  
23 such contributions exceed 50 percent of the ag-  
24 gregate allowable contributions (without regard

1 to this clause) received by the candidate during  
2 the applicable period.

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

5 “(3) For purposes of this subsection and section  
6 503(b), the term ‘applicable period’ means—

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

10 “(i) the date on which the certification  
11 under subsection (c) is filed by the candidate;  
12 or

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

15 “(B) in the case of a special election for the of-  
16 fice of United States Senator, the period beginning  
17 on the date the vacancy in such office occurs and  
18 ending on the date of the general election involved.

19 “(f) MULTICANDIDATE POLITICAL COMMITTEE CON-  
20 TRIBUTION LIMITS.—The requirements of this subsection  
21 are met if the candidate and the candidate’s authorized  
22 committees have accepted from multicandidate political  
23 committees contributions that do not exceed—

24 “(1) during any period in which the limitation  
25 under section 323 is in effect, zero dollars; and

1 “(2) during any other period—

2 “(A) during the primary election period, an  
3 amount equal to 20 percent of the primary elec-  
4 tion spending limit under subsection (d)(1)(A);  
5 and

6 “(B) during the runoff election period, an  
7 amount equal to 20 percent of the runoff elec-  
8 tion spending limit under subsection (d)(1)(B).

9 “(g) INDEXING.—The \$2,750,000 amount under sub-  
10 section (d)(1) shall be increased as of the beginning of  
11 each calendar year beginning with calendar year 1998,  
12 based on the increase in the price index determined under  
13 section 315(c), except that, for purposes of subsection  
14 (d)(1), the base period shall be calendar year 1992.

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

16 “(a) LIMITATION ON USE OF PERSONAL FUNDS.—  
17 (1) The aggregate amount of expenditures which may be  
18 made during an election cycle by an eligible Senate can-  
19 didate or such candidate’s authorized committees from the  
20 sources described in paragraph (2) shall not exceed  
21 \$25,000.

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

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

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

3           “(b) GENERAL ELECTION EXPENDITURE LIMIT.—

4 (1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an  
5 eligible Senate candidate and the candidate’s authorized  
6 committees shall not exceed the lesser of—

8           “(A) \$5,500,000; or

9           “(B) the greater of—

10           “(i) \$950,000; or

11           “(ii) \$400,000; plus

12           “(I) 30 cents multiplied by the voting  
13           age population not in excess of 4,000,000;

14           and

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

17           “(2) In the case of an eligible Senate candidate in  
18 a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall  
19 be applied by substituting—

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

23           and

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



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

5       “(c) PAYMENT OF TAXES.—The limitation under  
6 subsection (b) shall not apply to any expenditure for Fed-  
7 eral, State, or local taxes with respect to a candidate’s au-  
8 thorized committees.

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

15 **“SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO**  
16 **RECEIVE.**

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

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

21               “(2) the mailing rates provided in section  
22 3626(e) of title 39, United States Code; and

23               “(3) payments in the amounts determined  
24 under subsection (b).

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

4           “(A) the public financing amount;

5           “(B) the independent expenditure amount; and

6           “(C) in the case of an eligible Senate candidate  
7 who has an opponent in the general election who re-  
8 ceives contributions, or makes (or obligates to make)  
9 expenditures, for such election in excess of the gen-  
10 eral election expenditure limit under section 502(b),  
11 the excess expenditure amount.

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

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

17           “(i) during the primary election period, an  
18 amount equal to 100 percent of the amount of  
19 contributions received during that period from  
20 individuals residing in the candidate’s State in  
21 the aggregate amount of \$100 or less plus an  
22 amount equal to 50 percent of the amount of  
23 contributions received during that period from  
24 individuals residing in the candidate’s State in  
25 the aggregate amount of more than \$100 but

1 less than \$251, up to 50 percent of the primary  
2 election spending limit under section  
3 501(d)(1)(A), reduced by the threshold require-  
4 ment under section 501(e);

5 (ii) during the runoff election period, an  
6 amount equal to 100 percent of the amount of  
7 contributions received during that period from  
8 individuals residing in the candidate's State in  
9 the aggregate amount of \$100 or less plus an  
10 amount equal to 50 percent of the amount of  
11 contributions received during that period from  
12 individuals residing in the candidate's State in  
13 the aggregate amount of more than \$100 but  
14 less than \$251, up to 10 percent of the general  
15 election spending limit under section  
16 501(d)(1)(B); and

17 “(iii) during the general election period, an  
18 amount equal to the general election expendi-  
19 ture limit applicable to the candidate under sec-  
20 tion 502(b) (without regard to paragraph (4)  
21 thereof); and

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

1           “(i) during the primary election period, an  
2 amount equal to 100 percent of the amount of  
3 contributions received during that period from  
4 individuals residing in the candidate’s State in  
5 the aggregate amount of \$100 or less plus an  
6 amount equal to 50 percent of the amount of  
7 contributions received during that period from  
8 individuals residing in the candidate’s State in  
9 the aggregate amount of more than \$100 but  
10 less than \$251, up to 50 percent of the primary  
11 election spending limit under section  
12 501(d)(1)(A), reduced by the threshold require-  
13 ment under section 501(e);

14           (ii) during the runoff election period, an  
15 amount equal to 100 percent of the amount of  
16 contributions received during that period from  
17 individuals residing in the candidate’s State in  
18 the aggregate amount of \$100 or less plus an  
19 amount equal to 50 percent of the amount of  
20 contributions received during that period from  
21 individuals residing in the candidate’s State in  
22 the aggregate amount of more than \$100 but  
23 less than \$251, up to 10 percent of the general  
24 election spending limit under section  
25 501(d)(1)(B); and

1           (iii) during the runoff election period, an  
2           amount equal to 100 percent of the amount of  
3           contributions received during that period from  
4           individuals residing in the candidate's State in  
5           the aggregate amount of \$100 or less plus an  
6           amount equal to 50 percent of the amount of  
7           contributions received during that period from  
8           individuals residing in the candidate's State in  
9           the aggregate amount of more than \$100 but  
10          less than \$251, up to 50 percent of the general  
11          election spending limit under section 502(b).

12          “(3) For purposes of paragraph (1), the independent  
13          expenditure amount is the total amount of independent  
14          expenditures made, or obligated to be made, during the  
15          general election period by 1 or more persons in opposition  
16          to, or on behalf of an opponent of, an eligible Senate can-  
17          didate which are required to be reported by such persons  
18          under section 304(c) with respect to the general election  
19          period and are certified by the Commission under section  
20          304(c).

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

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

1           “(i) if the excess described in paragraph  
2           (1)(C) is not greater than  $133\frac{1}{3}$  percent of the  
3           general election expenditure limit under section  
4           502(b), an amount equal to one-third of such  
5           limit applicable to the eligible Senate candidate  
6           for the election; plus

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

11          “(iii) if such excess equals or exceeds  
12           $166\frac{2}{3}$  percent of such limit, an amount equal  
13          to one-third of such limit.

14          “(B) In the case of an eligible Senate candidate  
15          who is not a major party candidate, an amount  
16          equal to the least of the following:

17                 “(i) The allowable contributions of the eli-  
18                 gible Senate candidate during the applicable pe-  
19                 riod in excess of the threshold contribution re-  
20                 quirement under section 501(e).

21                 “(ii) 50 percent of the general election ex-  
22                 penditure limit applicable to the eligible Senate  
23                 candidate under section 502(b).

24                 “(iii) The excess described in paragraph  
25                 (1).

1       “(c) WAIVER OF EXPENDITURE AND CONTRIBUTION  
2 LIMITS.—(1) An eligible Senate candidate who receives  
3 payments under subsection (a)(3) which are allocable to  
4 the independent expenditure or excess expenditure  
5 amounts described in paragraphs (3) and (4) of subsection  
6 (b) may make expenditures from such payments to defray  
7 expenditures for the general election without regard to the  
8 general election expenditure limit under section 502(b).

9       “(2)(A) An eligible Senate candidate who receives  
10 benefits under this section may make expenditures for the  
11 general election without regard to clause (i) of section  
12 501(c)(1)(D) or subsection (a) or (b) of section 502 if any  
13 one of the eligible Senate candidate’s opponents who is  
14 not an eligible Senate candidate either raises aggregate  
15 contributions, or makes or becomes obligated to make ag-  
16 gregate expenditures, for the general election that exceed  
17 200 percent of the general election expenditure limit appli-  
18 cable to the eligible Senate candidate under section  
19 502(b).

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

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

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

6               “(ii) any other candidate in the same general  
7 election who is not an eligible Senate candidate  
8 raises aggregate contributions, or makes or becomes  
9 obligated to make aggregate expenditures, for the  
10 general election that exceed 75 percent of the gen-  
11 eral election expenditure limit applicable to such  
12 other candidate under section 502(b).

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

17       “(d) USE OF PAYMENTS.—Payments received by a  
18 candidate under subsection (a)(3) shall be used to defray  
19 expenditures incurred with respect to the general election  
20 period for the candidate. Such payments shall not be  
21 used—

22               “(1) except as provided in paragraph (4), to  
23 make any payments, directly or indirectly, to such  
24 candidate or to any member of the immediate family  
25 of such candidate;



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

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

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

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

12          “(a) IN GENERAL.—(1) The Commission shall certify  
13          to any candidate meeting the requirements of section 501  
14          that such candidate is an eligible Senate candidate entitled  
15          to benefits under this title. The Commission shall revoke  
16          such certification if it determines a candidate fails to con-  
17          tinue to meet such requirements.

18          “(2) No later than 48 hours after an eligible Senate  
19          candidate files a request with the Secretary of the Senate  
20          to receive benefits under section 501, the Commission  
21          shall issue a certification stating whether such candidate  
22          is eligible for payments under this title and the amount  
23          of such payments to which such candidate is entitled. The  
24          request referred to in the preceding sentence shall con-  
25          tain—

1           “(A) such information and be made in accord-  
2           ance with such procedures as the Commission may  
3           provide by regulation; and

4           “(B) a verification signed by the candidate and  
5           the treasurer of the principal campaign committee of  
6           such candidate stating that the information fur-  
7           nished in support of the request, to the best of their  
8           knowledge, is correct and fully satisfies the require-  
9           ments of this title.

10          “(b) DETERMINATIONS BY COMMISSION.—All deter-  
11         minations (including certifications under subsection (a))  
12         made by the Commission under this title shall be final and  
13         conclusive, except to the extent that they are subject to  
14         examination and audit by the Commission under section  
15         505 and judicial review under section 506.

16         **“SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS; CIVIL**  
17   **PENALTIES.**

18          “(a) EXAMINATION AND AUDITS.—(1) After each  
19         general election, the Commission shall conduct an exam-  
20         ination and audit of the campaign accounts of 10 percent  
21         of all candidates for the office of United States Senator  
22         to determine, among other things, whether such can-  
23         didates have complied with the expenditure limits and con-  
24         ditions of eligibility of this title, and other requirements  
25         of this Act. Such candidates shall be designated by the

1 Commission through the use of an appropriate statistical  
2 method of random selection. If the Commission selects a  
3 candidate, the Commission shall examine and audit the  
4 campaign accounts of all other candidates in the general  
5 election for the office the selected candidate is seeking.

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

12 “(b) EXCESS PAYMENTS; REVOCATION OF STA-  
13 TUS.—(1) If the Commission determines that payments  
14 were made to an eligible Senate candidate under this title  
15 in excess of the aggregate amounts to which such can-  
16 didate was entitled, the Commission shall so notify such  
17 candidate, and such candidate shall pay an amount equal  
18 to the excess.

19 “(2) If the Commission revokes the certification of  
20 a candidate as an eligible Senate candidate under section  
21 504(a)(1), the Commission shall notify the candidate, and  
22 the candidate shall pay an amount equal to the payments  
23 received under this title.

24 “(c) MISUSE OF BENEFITS.—If the Commission de-  
25 termines that any amount of any benefit made available

1 to an eligible Senate candidate under this title was not  
2 used as provided for in this title, the Commission shall  
3 so notify such candidate and such candidate shall pay the  
4 amount of such benefit.

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

9 “(1) the primary or runoff expenditure limit  
10 under section 501(d); or

11 “(2) the general election expenditure limit  
12 under section 502(b),

13 the Commission shall so notify such candidate and such  
14 candidate shall pay an amount equal to the amount of the  
15 excess expenditures.

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

22 “(2)(A) LOW AMOUNT OF EXCESS EXPENDI-  
23 TURES.—Any eligible Senate candidate who makes ex-  
24 penditures that exceed any limitation described in para-  
25 graph (1) or (2) of subsection (d) by 2.5 percent or less

1 shall pay an amount equal to the amount of the excess  
2 expenditures.

3       “(B) MEDIUM AMOUNT OF EXCESS EXPENDI-  
4 TURES.—Any eligible Senate candidate who makes ex-  
5 penditures that exceed any limitation described in para-  
6 graph (1) or (2) of subsection (d) by more than 2.5 per-  
7 cent and less than 5 percent shall pay an amount equal  
8 to three times the amount of the excess expenditures.

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

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

24       “(g) LIMIT ON PERIOD FOR NOTIFICATION.—No no-  
25 tification shall be made by the Commission under this sec-

1 tion with respect to an election more than three years after  
2 the date of such election.

3 “(h) DEPOSITS.—The Secretary shall deposit all pay-  
4 ments received under this section into the Senate Election  
5 Campaign Fund.

6 **“SEC. 506. JUDICIAL REVIEW.**

7 “(a) JUDICIAL REVIEW.—Any agency action by the  
8 Commission made under the provisions of this title shall  
9 be subject to review by the United States Court of Appeals  
10 for the District of Columbia Circuit upon petition filed in  
11 such court within thirty days after the agency action by  
12 the Commission for which review is sought. It shall be the  
13 duty of the Court of Appeals, ahead of all matters not  
14 filed under this title, to advance on the docket and expedi-  
15 tiously take action on all petitions filed pursuant to this  
16 title.

17 “(b) APPLICATION OF TITLE 5.—The provisions of  
18 chapter 7 of title 5, United States Code, shall apply to  
19 judicial review of any agency action by the Commission.

20 “(c) AGENCY ACTION.—For purposes of this section,  
21 the term ‘agency action’ has the meaning given such term  
22 by section 551(13) of title 5, United States Code.

1 **“SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL**  
2 **PROCEEDINGS.**

3 “(a) APPEARANCES.—The Commission is authorized  
4 to appear in and defend against any action instituted  
5 under this section and under section 506 either by attor-  
6 neys employed in its office or by counsel whom it may ap-  
7 point without regard to the provisions of title 5, United  
8 States Code, governing appointments in the competitive  
9 service, and whose compensation it may fix without regard  
10 to the provisions of chapter 51 and subchapter III of chap-  
11 ter 53 of such title.

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

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

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

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

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

5 “(1) the expenditures (shown in such detail as  
6 the Commission determines appropriate) made by  
7 each eligible Senate candidate and the authorized  
8 committees of such candidate;

9 “(2) the amounts certified by the Commission  
10 under section 504 as benefits available to each eligi-  
11 ble Senate candidate;

12 “(3) the amount of repayments, if any, required  
13 under section 505 and the reasons for each repay-  
14 ment required; and

15 “(4) the balance in the Senate Election Cam-  
16 paign Fund, and the balance in any account main-  
17 tained by the Fund.

18 Each report submitted pursuant to this section shall be  
19 printed as a Senate document.

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



1       “(c) STATEMENT TO SENATE.—Thirty days before  
2 prescribing any rules or regulation under subsection (b),  
3 the Commission shall transmit to the Senate a statement  
4 setting forth the proposed rule or regulation and contain-  
5 ing a detailed explanation and justification of such rule  
6 or regulation.

7       **“SEC. 509. PAYMENTS RELATING TO ELIGIBLE CAN-**  
8                                   **DIDATES.**

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

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

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

18               “(ii) amounts collected under section 505(h);

19       and

20               “(iii) any other amounts that may be appro-  
21 priated to or deposited into the Fund under this  
22 title.

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

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

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

5           “(A) making payments required under this title;  
6 and

7           “(B) making expenditures in connection with  
8 the administration of the Fund.

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

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

19       “(c) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFI-  
20 CIENT.—(1) If, at the time of a certification by the Com-  
21 mission under section 504 for payment to an eligible can-  
22 didate, the Secretary determines that the monies in the  
23 Senate Election Campaign Fund are not, or may not be,  
24 sufficient to satisfy the full entitlement of all eligible can-  
25 didates, the Secretary shall withhold from the amount of

1 such payment such amount as the Secretary determines  
2 to be necessary to assure that each eligible candidate will  
3 receive the same pro rata share of such candidate's full  
4 entitlement.

5       “(2) Amounts withheld under subparagraph (A) shall  
6 be paid when the Secretary determines that there are suf-  
7 ficient monies in the Fund to pay all, or a portion thereof,  
8 to all eligible candidates from whom amounts have been  
9 withheld, except that if only a portion is to be paid, it  
10 shall be paid in such manner that each eligible candidate  
11 receives an equal pro rata share of such portion.

12       “(3)(A) Not later than December 31 of any calendar  
13 year preceding a calendar year in which there is a regu-  
14 larly scheduled general election, the Secretary, after con-  
15 sultation with the Commission, shall make an estimate  
16 of—

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

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

22       “(B) If the Secretary determines that there will be  
23 insufficient monies in the fund to make the payments re-  
24 quired by this title for any calendar year, the Secretary  
25 shall notify each candidate on January 1 of such calendar

1 year (or, if later, the date on which an individual becomes  
2 a candidate) of the amount which the Secretary estimates  
3 will be the pro rata reduction in each eligible candidate's  
4 payments under this subsection. Such notice shall be by  
5 registered mail.

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

9       “(4) The Secretary shall notify the Commission and  
10 each eligible candidate by registered mail of any actual  
11 reduction in the amount of any payment by reason of this  
12 subsection. If the amount of the reduction exceeds the  
13 amount estimated under paragraph (3), the candidate's  
14 contribution limit under section 501(c)(1)(D)(iii) shall be  
15 increased by the amount of such excess.”.

16       (2) EFFECTIVE DATES.—(A) Except as pro-  
17 vided in this paragraph, the amendment made by  
18 paragraph (1) shall apply to elections occurring after  
19 December 31, 1995.

20       (B) For purposes of any expenditure or con-  
21 tribution limit imposed by the amendment made by  
22 paragraph (1)—

23               (i) no expenditure made before January 1,  
24 1996, shall be taken into account, except that  
25 there shall be taken into account any such ex-

1           penditure for goods or services to be provided  
2           after such date; and

3                   (ii) all cash, cash items, and Government  
4           securities on hand as of January 1, 1996, shall  
5           be taken into account in determining whether  
6           the contribution limit is met, except that there  
7           shall not be taken into account amounts used  
8           during the 60-day period beginning on January  
9           1, 1996, to pay for expenditures which were in-  
10          curred (but unpaid) before such date.

11           (3) EFFECT OF INVALIDITY ON OTHER PROVI-  
12          SIONS OF ACT.—If section 501, 502, or 503 of title  
13          V of FECA (as added by this section), or any part  
14          thereof, is held to be invalid, all provisions of, and  
15          amendments made by, this Act shall be treated as  
16          invalid.

17           (b) PROVISIONS TO FACILITATE VOLUNTARY CON-  
18          TRIBUTIONS TO SENATE ELECTION CAMPAIGN FUND.—

19                   (1) GENERAL RULE.—Part VIII of subchapter  
20          A of chapter 61 of the Internal Revenue Code of  
21          1986 (relating to returns and records) is amended  
22          by adding at the end the following:

23          **“Subpart B—Designation of Additional Amounts to**  
24                   **Senate Election Campaign Fund**

“Sec. 6097. Designation of additional amounts.

1 **“SEC. 6097. DESIGNATION OF ADDITIONAL AMOUNTS.**

2       “(a) GENERAL RULE.—Every individual (other than  
3 a nonresident alien) who files an income tax return for  
4 any taxable year may designate an additional amount  
5 equal to \$5 (\$10 in the case of a joint return) to be paid  
6 over to the Senate Election Campaign Fund.

7       “(b) MANNER AND TIME OF DESIGNATION.—A des-  
8 ignation under subsection (a) may be made for any taxable  
9 year only at the time of filing the income tax return for  
10 the taxable year. Such designation shall be made on the  
11 page bearing the taxpayer’s signature.

12       “(c) TREATMENT OF ADDITIONAL AMOUNTS.—Any  
13 additional amount designated under subsection (a) for any  
14 taxable year shall, for all purposes of law, be treated as  
15 an additional income tax imposed by chapter 1 for such  
16 taxable year.

17       “(d) INCOME TAX RETURN.—For purposes of this  
18 section, the term ‘income tax return’ means the return of  
19 the tax imposed by chapter 1.”.

20               (2) CONFORMING AMENDMENTS.—(A) Part  
21 VIII of subchapter A of chapter 61 of such Code is  
22 amended by striking the heading and inserting:

23 **“PART VIII—DESIGNATION OF AMOUNTS TO**  
24 **ELECTION CAMPAIGN FUNDS**

“Subpart A. Presidential Election Campaign Fund.

“Subpart B. Designation of additional amounts to Senate Elec-  
tion Campaign Fund.

1 **“Subpart A—Presidential Election Campaign Fund”.**

2 (B) The table of parts for subchapter A of  
3 chapter 61 of such Code is amended by striking the  
4 item relating to part VIII and inserting:

“Part VIII. Designation of amounts to election campaign funds.”

5 (3) EFFECTIVE DATE.—The amendments made  
6 by this section shall apply to taxable years beginning  
7 after December 31, 1995.

8 **SEC. 102. BAN ON ACTIVITIES OF POLITICAL ACTION COM-**  
9 **MITTEES IN FEDERAL ELECTIONS.**

10 (a) IN GENERAL.—Title III of FECA (2 U.S.C. 431  
11 et seq.), is amended by adding at the end thereof the fol-  
12 lowing new section:

13 “BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL  
14 ACTION COMMITTEES

15 “SEC. 323. (a) Notwithstanding any other provision  
16 of this Act, no person other than an individual or a politi-  
17 cal committee may make contributions, solicit or receive  
18 contributions, or make expenditures for the purpose of in-  
19 fluencing an election for Federal office.

20 “(b) In the case of individuals who are executive or  
21 administrative personnel of an employer—

22 “(1) no contributions may be made by such in-  
23 dividuals—

24 “(A) to any political committees estab-  
25 lished and maintained by any political party; or

1           “(B) to any candidate for nomination for  
2           election, or election, to Federal office or the  
3           candidate’s authorized committees,  
4           unless such contributions are not being made at the  
5           direction of, or otherwise controlled or influenced by,  
6           the employer; and

7           “(2) the aggregate amount of such contribu-  
8           tions by all such individuals in any calendar year  
9           shall not exceed—

10           “(A) \$20,000 in the case of such political  
11           committees; and

12           “(B) \$5,000 in the case of any such can-  
13           didate and the candidate’s authorized commit-  
14           tees.”.

15           (b) DEFINITION OF POLITICAL COMMITTEE.—(1)  
16           Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4))  
17           is amended to read as follows:

18           “(4) The term ‘political committee’ means—

19           “(A) the principal campaign committee of  
20           a candidate;

21           “(B) any national, State, or district com-  
22           mittee of a political party, including any subor-  
23           dinate committee thereof; and

24           “(C) any local committee of a political  
25           party which—



1                   “(i) receives contributions aggregating  
2                   in excess of \$5,000 during a calendar year;

3                   “(ii) makes payments exempted from  
4                   the definition of contribution or expendi-  
5                   ture under paragraph (8) or (9) aggregat-  
6                   ing in excess of \$5,000 during a calendar  
7                   year;

8                   “(iii) makes contributions or expendi-  
9                   tures aggregating in excess of \$1,000 dur-  
10                  ing a calendar year; or

11                  “(D) any committee described in section  
12                  315(a)(8)(D)(i)(III).”.

13                  (2) Section 316(b)(2) of FECA (2 U.S.C.  
14 441b(b)(2)) is amended by striking subparagraph (C).

15                  (c) CANDIDATE’S COMMITTEES.—(1) Section 315(a)  
16 of FECA (2 U.S.C. 441a(a)) is amended by adding at the  
17 end thereof the following new paragraph:

18                  “(9) For the purposes of the limitations provided by  
19 paragraphs (1) and (2), any political committee which is  
20 established or financed or maintained or controlled by any  
21 candidate or Federal officeholder shall be deemed to be  
22 an authorized committee of such candidate or officeholder.  
23 Nothing in this paragraph shall be construed to permit  
24 the establishment, financing, maintenance, or control of

1 any committee which is prohibited by paragraph (3) or  
2 (6) of section 302(e).”.

3 (2) Section 302(e)(3) of FECA (2 U.S.C. 432) is  
4 amended to read as follows:

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

8 (A) a candidate for the office of President  
9 nominated by a political party may designate the na-  
10 tional committee of such political party as the can-  
11 didate’s principal campaign committee, but only if  
12 that national committee maintains separate books of  
13 account with respect to its functions as a principal  
14 campaign committee; and

15 (B) a candidate may designate a political com-  
16 mittee established solely for the purpose of joint  
17 fundraising by such candidates as an authorized  
18 committee.”.

19 (d) RULES APPLICABLE WHEN BAN NOT IN EF-  
20 FECT.—For purposes of the Federal Election Campaign  
21 Act of 1971, during any period beginning after the effec-  
22 tive date in which the limitation under section 323 of such  
23 Act (as added by subsection (a)) is not in effect—

24 (1) the amendments made by subsections (a),  
25 (b), and (c) shall not be in effect;

1           (2) in the case of a candidate for election, or  
2 nomination for election, to Federal office (and such  
3 candidate's authorized committees), section  
4 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A))  
5 shall be applied by substituting "\$1,000" for  
6 "\$5,000";

7           (3) it shall be unlawful for a multicandidate po-  
8 litical committee to make a contribution to a can-  
9 didate for election, or nomination for election, to  
10 Federal office (or an authorized committee) to the  
11 extent that the making or accepting of the contribu-  
12 tion will cause the amount of contributions received  
13 by the candidate and the candidate's authorized  
14 committees from multicandidate political committees  
15 to exceed the lesser of—

16                   (A) \$825,000; or

17                   (B) 20 percent of the aggregate Federal  
18 election spending limits applicable to the can-  
19 didate for the election cycle.

20           The \$825,000 amount in paragraph (3) shall be in-  
21 creased as of the beginning of each calendar year  
22 based on the increase in the price index determined  
23 under section 315(c) of FECA, except that for pur-  
24 poses of paragraph (3), the base period shall be the  
25 calendar year 1996. A candidate or authorized com-

1       mittee that receives a contribution from a  
2       multicandidate political committee in excess of the  
3       amount allowed under paragraph (3) shall return  
4       the amount of such excess contribution to the con-  
5       tributor.

6       (e) RULE ENSURING PROHIBITION ON DIRECT COR-  
7       PORATE AND LABOR SPENDING.—If section 316(a) of the  
8       Federal Election Campaign Act of 1971 is held to be in-  
9       valid by reason of the amendments made by this section,  
10      then the amendments made by subsections (a), (b), and  
11      (c) of this section shall not apply to contributions by any  
12      political committee that is directly or indirectly estab-  
13      lished, administered, or supported by a connected organi-  
14      zation which is a bank, corporation, or other organization  
15      described in such section 316(a).

16      (f) RESTRICTIONS ON CONTRIBUTIONS TO POLITICAL  
17      COMMITTEES.—Paragraphs (1)(C) and (2)(C) of section  
18      315(a) of FECA (2 U.S.C. 441a(a) (1)(D) and (2)(D))  
19      are each amended by striking “\$5,000” and inserting  
20      “\$1,000”.

21      (g) EFFECTIVE DATES.—(1) Except as provided in  
22      paragraph (2), the amendments made by this section shall  
23      apply to elections (and the election cycles relating thereto)  
24      occurring after December 31, 1996.

1           (2) In applying the amendments made by this section,  
2 there shall not be taken into account—

3           (A) contributions made or received before Janu-  
4 ary 1, 1996; or

5           (B) contributions made to, or received by, a  
6 candidate on or after January 1, 1996, to the extent  
7 such contributions are not greater than the excess  
8 (if any) of—

9           (i) such contributions received by any op-  
10 ponent of the candidate before January 1,  
11 1996, over

12           (ii) such contributions received by the can-  
13 didate before January 1, 1996.

14 **SEC. 103. REPORTING REQUIREMENTS.**

15           Title III of FECA is amended by inserting after sec-  
16 tion 304 the following new section:

17           “REPORTING REQUIREMENTS FOR SENATE CANDIDATES

18           “SEC. 304A. (a) CANDIDATE OTHER THAN ELIGI-  
19 BLE SENATE CANDIDATE.—(1) Each candidate for the of-  
20 fice of United States Senator who does not file a certifi-  
21 cation with the Secretary of the Senate under section  
22 501(c) shall file with the Secretary of the Senate a dec-  
23 laration as to whether such candidate intends to make ex-  
24 penditures for the general election in excess of the general  
25 election expenditure limit applicable to an eligible Senate

1 candidate under section 502(b). Such declaration shall be  
2 filed at the time provided in section 501(c)(2).

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

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

7 “(B) who either raises aggregate contributions,  
8 or makes or obligates to make aggregate expendi-  
9 tures, for the general election which exceed 75 per-  
10 cent of the general election expenditure limit appli-  
11 cable to an eligible Senate candidate under section  
12 502(b),

13 shall file a report with the Secretary of the Senate within  
14 24 hours after such contributions have been raised or such  
15 expenditures have been made or obligated to be made (or,  
16 if later, within 24 hours after the date of qualification for  
17 the general election ballot), setting forth the candidate’s  
18 total contributions and total expenditures for such election  
19 as of such date. Thereafter, such candidate shall file addi-  
20 tional reports (until such contributions or expenditures ex-  
21 ceed 200 percent of such limit) with the Secretary of the  
22 Senate within 24 hours after each time additional con-  
23 tributions are raised, or expenditures are made or are obli-  
24 gated to be made, which in the aggregate exceed an  
25 amount equal to 10 percent of such limit and after the

1 total contributions or expenditures exceed  $133\frac{1}{3}$ ,  $166\frac{2}{3}$ ,  
2 and 200 percent of such limit.

3 “(3) The Commission—

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

8 “(B) if an opposing candidate has raised aggre-  
9 gate contributions, or made or has obligated to make  
10 aggregate expenditures, in excess of the applicable  
11 general election expenditure limit under section  
12 502(b), shall certify, pursuant to the provisions of  
13 subsection (d), such eligibility for payment of any  
14 amount to which such eligible Senate candidate is  
15 entitled under section 503(a).

16 “(4) Notwithstanding the reporting requirements  
17 under this subsection, the Commission may make its own  
18 determination that a candidate in a general election who  
19 is not an eligible Senate candidate has raised aggregate  
20 contributions, or made or has obligated to make aggregate  
21 expenditures, in the amounts which would require a report  
22 under paragraph (2). The Commission shall, within 24  
23 hours after making each such determination, notify each  
24 eligible Senate candidate in the general election involved  
25 about such determination, and shall, when such contribu-

1 tions or expenditures exceed the general election expendi-  
2 ture limit under section 502(b), certify (pursuant to the  
3 provisions of subsection (d)) such candidate's eligibility for  
4 payment of any amount under section 503(a).

5       “(b) REPORTS ON PERSONAL FUNDS.—(1) Any can-  
6 didate for the United States Senate who during the elec-  
7 tion cycle expends more than the limitation under section  
8 502(a) during the election cycle from his personal funds,  
9 the funds of his immediate family, and personal loans in-  
10 curred by the candidate and the candidate's immediate  
11 family shall file a report with the Secretary of the Senate  
12 within 24 hours after such expenditures have been made  
13 or loans incurred.

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

18       “(3) Notwithstanding the reporting requirements  
19 under this subsection, the Commission may make its own  
20 determination that a candidate for the United States Sen-  
21 ate has made expenditures in excess of the amount under  
22 paragraph (1). The Commission within 24 hours after  
23 making such determination shall notify each eligible Sen-  
24 ate candidate in the general election involved about each  
25 such determination.



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

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

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

8           “(C) who expended any amount during such  
9 election cycle before becoming a candidate for the of-  
10 fice of United States Senator which would have been  
11 treated as an expenditure if such individual had  
12 been such a candidate, including amounts for activi-  
13 ties to promote the image or name recognition of  
14 such individual,

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

18       “(2) Paragraph (1) shall not apply to any expendi-  
19 tures in connection with a Federal, State, or local election  
20 which has been held before the individual becomes a can-  
21 didate for the office of United States Senator.

22       “(3) The Commission shall, as soon as practicable,  
23 make a determination as to whether the amounts included  
24 in the report under paragraph (1) were made for purposes

1 of influencing the election of the individual to the office  
2 of United States Senator.

3 “(d) CERTIFICATIONS.—Notwithstanding section  
4 505(a), the certification required by this section shall be  
5 made by the Commission on the basis of reports filed in  
6 accordance with the provisions of this Act, or on the basis  
7 of such Commission’s own investigation or determination.

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

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

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

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

1       “(e) If a broadcast, cablecast, or other communica-  
2 tion is paid for or authorized by a candidate in the general  
3 election for the office of United States Senator who is not  
4 an eligible Senate candidate, or the authorized committee  
5 of such candidate, such communication shall contain the  
6 following sentence: ‘This candidate has not agreed to vol-  
7 untary campaign spending limits.’”.

## 8       **Subtitle B—General Provisions**

### 9       **SEC. 131. 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”;

15                       (B) by striking “sixty” and inserting “45”;

16                       and

17                       (C) by striking “lowest unit charge of the  
18                       station for the same class and amount of time  
19                       for the same period” and inserting “lowest  
20                       charge of the station for the same amount of  
21                       time for the same period on the same date”;

22                       and

23               (2) by adding at the end the following new sen-  
24               tence:

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

7 (b) PREEMPTION; ACCESS.—Section 315 of the Com-  
8 munications Act of 1934 (47 U.S.C. 315) is amended by  
9 redesignating subsections (c) and (d) as subsections (e)  
10 and (f), respectively, and by inserting immediately after  
11 subsection (b) the following 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 “(d) In the case of a legally qualified candidate for  
24 the United States Senate, a licensee shall provide broad-

1 cast time without regard to the rates charged for the  
2 time.”.

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

5 Section 3626(e) of title 39, United States Code, is  
6 amended—

7 (1) in paragraph (2)(A)—

8 (A) by striking “and the National” and in-  
9 serting “the National”; and

10 (B) by striking “Committee;” and insert-  
11 ing “Committee, and, subject to paragraph (3),  
12 the principal campaign committee of an eligible  
13 House of Representatives or Senate can-  
14 didate;”;

15 (2) in paragraph (2)(B), by striking “and”  
16 after the semicolon;

17 (3) in paragraph (2)(C), by striking the period  
18 and inserting “; and”;

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

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

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

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

6 “(A) the general election period (as defined in  
7 section 301 of the Federal Election Campaign Act of  
8 1971); and

9 “(B) that number of pieces of mail equal to the  
10 number of individuals in the voting age population  
11 (as certified under section 315(e) of such Act) of the  
12 congressional district or State, whichever is applica-  
13 ble.”.

14 **SEC. 133. REPORTING REQUIREMENTS FOR CERTAIN INDE-**  
15 **PENDENT EXPENDITURES.**

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

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

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

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

24 “(3)(A) Any independent expenditure (including  
25 those described in subsection (b)(6)(B)(iii) of this section)

1 aggregating \$1,000 or more made after the 20th day, but  
2 more than 24 hours, before any election shall be reported  
3 within 24 hours after such independent expenditure is  
4 made.

5       “(B) Any independent expenditure aggregating  
6 \$10,000 or more made at any time up to and including  
7 the 20th day before any election shall be reported within  
8 48 hours after such independent expenditure is made. An  
9 additional statement shall be filed each time independent  
10 expenditures aggregating \$10,000 are made with respect  
11 to the same election as the initial statement filed under  
12 this section.

13       “(C) Such statement shall be filed with the Secretary  
14 of the Senate and the Secretary of State of the State in-  
15 volved and shall contain the information required by sub-  
16 section (b)(6)(B)(iii) of this section, including whether the  
17 independent expenditure is in support of, or in opposition  
18 to, the candidate involved. The Secretary of the Senate  
19 shall as soon as possible (but not later than 4 working  
20 hours of the Commission) after receipt of a statement  
21 transmit it to the Commission. Not later than 48 hours  
22 after the Commission receives a report, the Commission  
23 shall transmit a copy of the report to each candidate seek-  
24 ing nomination or election to that office.

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

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

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

18       “(5) The Commission may make its own determina-  
19 tion that a person has made, or has incurred obligations  
20 to make, independent expenditures with respect to any  
21 Federal election which in the aggregate exceed the applica-  
22 ble amounts under paragraph (3) or (4). The Commission  
23 shall notify each candidate in such election of such deter-  
24 mination within 24 hours of making it.



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

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

12 **SEC. 134. CAMPAIGN ADVERTISING AMENDMENTS.**

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

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

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

19           (3) in paragraph (3) of subsection (a), by in-  
20 sserting after “name” the following “and permanent  
21 street address”; and

22           (4) by adding at the end the following new sub-  
23 sections:

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

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

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

5           “(3) consist of a reasonable degree of color con-  
6           trast between the background and the printed state-  
7           ment.

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

14          “(2) If a broadcast or cablecast communication de-  
15          scribed in paragraph (1) is broadcast or cablecast by  
16          means of television, the statement required by paragraph  
17          (1) shall—

18                 “(A) appear in a clearly readable manner with  
19                 a reasonable degree of color contrast between the  
20                 background and the printed statement, for a period  
21                 of at least 4 seconds; and

22                 “(B) be accompanied by a clearly identifiable  
23                 photographic or similar image of the candidate.

24          “(e) Any broadcast or cablecast communication de-  
25          scribed in subsection (a)(3) shall include, in addition to



1 specific office the candidate is seeking, whichever is later,  
2 and ending on the earlier of—

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

4 “(B) the date on which the candidate withdraws  
5 from the campaign or otherwise ceases actively to  
6 seek election.

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

8 “(A) a candidate’s spouse;

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

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

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

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

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

5               “(A) the date of the first primary election for  
6 that office following the last general election for that  
7 office; or

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

11       “(26) The term ‘runoff election’ means an election  
12 held after a primary election which is prescribed by appli-  
13 cable State law as the means for deciding which candidate  
14 will be on the ballot in the general election for a Federal  
15 office.

16       “(27) The term ‘runoff election period’ means, with  
17 respect to any candidate, the period beginning on the day  
18 following the date of the last primary election for the spe-  
19 cific office such candidate is seeking and ending on the  
20 date of the runoff election for such office.

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

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

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

7           “(B) for all other persons, the term beginning  
8           on the first day following the date of the last general  
9           election and ending on the date of the next general  
10          election.

11          “(30) The terms ‘Senate Election Campaign Fund’  
12          and ‘Fund’ mean the Senate Election Campaign Fund es-  
13          tablished under section 509.

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

15                 “(A) a person required to register under section  
16                 308 of the Federal Regulation of Lobbying Act (2  
17                 U.S.C. 267) or the Foreign Agents Registration Act  
18                 of 1938 (22 U.S.C. 611 et seq.); and

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

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

1 **SEC. 136. PROVISIONS RELATING TO FRANKED MASS**  
2 **MAILINGS.**

3 (a) MASS MAILINGS OF SENATORS.—Section  
4 3210(a)(6) of title 39, United States Code, is amended—

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

9 (2) in subparagraph (C)—

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

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

17 (b) MASS MAILINGS OF HOUSE MEMBERS.—Section  
18 3210 of title 39, United States Code, is amended—

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

22 (2) in subsection (d)(1) by striking “delivery—”  
23 and all that follows through the end of subparagraph  
24 (B) and inserting “delivery within that area con-  
25 stituting the congressional district or State from  
26 which the Member was elected.”.

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

10 **TITLE II—INDEPENDENT**  
11 **EXPENDITURES**

12 **SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO**  
13 **INDEPENDENT EXPENDITURES.**

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

18 “(17)(A) The term ‘independent expenditure’ means  
19 an expenditure for an advertisement or other communica-  
20 tion that—

21 “(i) contains express advocacy; and

22 “(ii) is made without the participation or co-  
23 operation of a candidate or a candidate’s representa-  
24 tive.



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

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

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

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

17           “(iv) An expenditure if, in the same election  
18 cycle, the person making the expenditure is or has  
19 been—

20           “(I) authorized to raise or expend funds on  
21 behalf of the candidate or the candidate’s au-  
22 thorized committees; or

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

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

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

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

23                   “(I) any officer, director, employee or  
24 agent of a party committee that has made or  
25 intends to make expenditures or contributions,

1           pursuant to subsections (a), (d), or (h) of sec-  
2           tion 315 in connection with the candidate’s  
3           campaign; or

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

10          For purposes of this subparagraph, the person making the  
11          expenditure shall include any officer, director, employee,  
12          or agent of such person.

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

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

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

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

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

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

### 9           **TITLE III—EXPENDITURES**

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

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

12          Section 315 of FECA (2 U.S.C. 441a) is amended  
13          by adding at the end the following new subsection:

14          “(i) LIMITATIONS ON PAYMENTS TO CANDIDATES.—

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

21          “(2) No contribution by a candidate or member of  
22          the candidate’s immediate family may be returned to the  
23          candidate or member other than as part of a pro rata dis-  
24          tribution of excess contributions to all contributors.”.

1 **SEC. 302. EXTENSIONS OF CREDIT.**

2 Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as  
3 amended by section 201(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 the mailing in the case of advertis-  
24 ing by a mailing.”.

1    **Subtitle B—Provisions Relating to**  
2    **Soft Money of Political Parties**

3    **SEC. 311. REPORTING REQUIREMENTS.**

4       (a) REPORTING REQUIREMENTS.—Section 304 of  
5 FECA (2 U.S.C. 434), as amended by section 133(a), is  
6 amended by adding at the end thereof the following new  
7 subsection:

8       “(e) POLITICAL COMMITTEES.—(1) The national  
9 committee of a political party and any congressional cam-  
10 paign committee of a political party, and any subordinate  
11 committee of either, shall report all receipts and disburse-  
12 ments during the reporting period, whether or not in con-  
13 nection with an election for Federal office.

14       “(2) Any political committee to which paragraph (1)  
15 does not apply shall report any receipts or disbursements  
16 which are used in connection with a Federal election.

17       “(3) If a political committee has receipts or disburse-  
18 ments to which this subsection applies from any person  
19 aggregating in excess of \$200 for any calendar year, the  
20 political committee shall separately itemize its reporting  
21 for such person in the same manner as under subsection  
22 (b) (3)(A), (5), or (6).

23       “(4) Reports required to be filed by this subsection  
24 shall be filed for the same time periods required for politi-  
25 cal committees under subsection (a).”.

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

5 “(C) The exclusion provided in clause (viii)  
6 of subparagraph (B) shall not apply for pur-  
7 poses of any requirement to report contribu-  
8 tions under this Act, and all such contributions  
9 aggregating in excess of \$200 shall be  
10 reported.”.

11 (c) REPORTS BY STATE COMMITTEES.—Section 304  
12 of FECA (2 U.S.C. 434), as amended by subsection (a),  
13 is amended by adding at the end thereof the following new  
14 subsection:

15 “(f) FILING OF STATE REPORTS.—In lieu of any re-  
16 port required to be filed by this Act, the Commission may  
17 allow a State committee of a political party to file with  
18 the Commission a report required to be filed under State  
19 law if the Commission determines such reports contain  
20 substantially the same information.”.

21 (d) OTHER REPORTING REQUIREMENTS.—

22 (1) AUTHORIZED COMMITTEES.—Paragraph (4)  
23 of section 304(b) of FECA (2 U.S.C. 434(b)(4)) is  
24 amended by striking “and” at the end of subpara-  
25 graph (H), by inserting “and” at the end of sub-

1 paragraph (I), and by adding at the end the follow-  
 2 ing new subparagraph:

3 “(J) in the case of an authorized commit-  
 4 tee, disbursements for the primary election, the  
 5 general election, and any other election in which  
 6 the candidate participates;”.

7 (2) NAMES AND ADDRESSES.—Subparagraph  
 8 (A) of section 304(b)(5) of FECA (2 U.S.C.  
 9 434(b)(5)(A)) is amended—

10 (A) by striking “within the calendar year”,

11 and

12 (B) by inserting “, and the election to  
 13 which the operating expenditure relates” after  
 14 “operating expenditure”.

## 15 **TITLE IV—CONTRIBUTIONS**

### 16 **SEC. 401. CONTRIBUTIONS THROUGH INTERMEDIARIES** 17 **AND CONDUITS; PROHIBITION ON CERTAIN** 18 **CONTRIBUTIONS BY LOBBYISTS.**

19 (a) CONTRIBUTIONS THROUGH INTERMEDIARIES  
 20 AND CONDUITS.—Section 315(a)(8) of FECA (2 U.S.C.  
 21 441a(a)(8)) is amended to read as follows:

22 “(8) For the purposes of this subsection:

23 “(A) Contributions made by a person, either di-  
 24 rectly or indirectly, to or on behalf of a particular  
 25 candidate, including contributions that are in any



1 way earmarked or otherwise directed through an  
2 intermediary or conduit to a candidate, shall be  
3 treated as contributions from the person to the can-  
4 didate.

5 “(B) Contributions made directly or indirectly  
6 by a person to or on behalf of a particular candidate  
7 through an intermediary or conduit, including con-  
8 tributions made or arranged to be made by an  
9 intermediary or conduit, shall be treated as contribu-  
10 tions from the intermediary or conduit to the can-  
11 didate if—

12 “(i) the contributions made through the  
13 intermediary or conduit are in the form of a  
14 check or other negotiable instrument made pay-  
15 able to the intermediary or conduit rather than  
16 the intended recipient; or

17 “(ii) the intermediary or conduit is—

18 “(I) a political committee;

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

21 “(III) a political party;

22 “(IV) a partnership or sole proprietor-  
23 ship;

24 “(V) a person who is required to reg-  
25 ister or to report its lobbying activities, or

1 a lobbyist whose activities are required to  
2 be reported, under section 308 of the Fed-  
3 eral Regulation of Lobbying Act (2 U.S.C.  
4 267), the Foreign Agents Registration Act  
5 of 1938 (22 U.S.C. 611 et seq.), or any  
6 successor Federal law requiring a person  
7 who is a lobbyist or foreign agent to reg-  
8 ister or a person to report its lobbying ac-  
9 tivities; or

10 “(VI) an organization prohibited from  
11 making contributions under section 316, or  
12 an officer, employee, or agent of such an  
13 organization acting on the organization’s  
14 behalf.

15 “(C)(i) The term ‘intermediary or conduit’ does  
16 not include—

17 “(I) a candidate or representative of a can-  
18 didate receiving contributions to the candidate’s  
19 principal campaign committee or authorized  
20 committee;

21 “(II) a professional fundraiser com-  
22 pensated for fundraising services at the usual  
23 and customary rate, but only if the individual  
24 is not described in subparagraph (B)(ii);

1           “(III) a volunteer hosting a fundraising  
2 event at the volunteer’s home, in accordance  
3 with section 301(8)(B), but only if the individ-  
4 ual is not described in subparagraph (B)(ii); or

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

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

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

15           “(I) contributions delivered to a particular  
16 candidate or the candidate’s authorized commit-  
17 tee or agent; and

18           “(II) contributions directly or indirectly ar-  
19 ranged to be made to a particular candidate or  
20 the candidate’s authorized committee or agent,  
21 in a manner that identifies directly or indirectly  
22 to the candidate or authorized committee or  
23 agent the person who arranged the making of  
24 the contributions or the person on whose behalf  
25 such person was acting.

1 Such term does not include contributions made, or  
2 arranged to be made, by reason of an oral or written  
3 communication by a Federal candidate or office-  
4 holder expressly advocating the nomination for elec-  
5 tion, or election, of any other Federal candidate and  
6 encouraging the making of a contribution to such  
7 other candidate.

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

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

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

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

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

1           “(i) bona fide joint fundraising efforts con-  
2           ducted solely for the purpose of sponsorship of  
3           a fundraising reception, dinner, or other similar  
4           event, in accordance with rules prescribed by  
5           the Commission, by—

6                   “(I) 2 or more candidates;

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

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

16           “(ii) fundraising efforts for the benefit of  
17           a candidate that are conducted by another can-  
18           didate.

19 When a contribution is made to a candidate through an  
20 intermediary or conduit, the intermediary or conduit shall  
21 report the original source and the intended recipient of  
22 the contribution to the Commission and to the intended  
23 recipient.”.

24           (b) PROHIBITION OF CERTAIN CONTRIBUTIONS BY  
25 LOBBYISTS.—Section 315 of FECA (2 U.S.C. 441a), as

1 amended by section 301, is amended by adding at the end  
2 the following new subsection:

3 “(j)(1) A lobbyist, or a political committee controlled  
4 by a lobbyist, shall not make contributions to, or solicit  
5 contributions for or on behalf of—

6 “(A) any member of Congress with whom the  
7 lobbyist has, during the preceding 12 months, made  
8 a lobbying contact; or

9 “(B) any authorized committee of the President  
10 of the United States if, during the preceding 12  
11 months, the lobbyist has made a lobbying contact  
12 with a covered executive branch official.

13 “(2) A lobbyist who, or a lobbyist whose political com-  
14 mittee, has made any contribution to, or solicited contribu-  
15 tions for or on behalf of, any member of Congress or can-  
16 didate for Congress (or any authorized committee of the  
17 President) shall not, during the 12 months following such  
18 contribution or solicitation, make a lobbying contact with  
19 such member or candidate who becomes a member of Con-  
20 gress (or a covered executive branch official).

21 “(3) If a lobbyist advises or otherwise suggests to a  
22 client of the lobbyist (including a client that is the lobby-  
23 ist’s regular employer), or to a political committee that  
24 is funded or administered by such a client, that the client

1 or political committee should make a contribution to or  
2 solicit a contribution for or on behalf of—

3 “(A) a member of Congress or candidate for  
4 Congress, the making or soliciting of such a con-  
5 tribution is prohibited if the lobbyist has made a lob-  
6 bying contact with the member of Congress within  
7 the preceding 12 months; or

8 “(B) an authorized committee of the President,  
9 the making or soliciting of such a contribution shall  
10 be unlawful if the lobbyist has made a lobbying con-  
11 tact with a covered executive branch official within  
12 the preceding 12 months.

13 “(4) For purposes of this subsection—

14 “(A) the term ‘covered executive branch official’  
15 means the President, Vice-President, any officer or  
16 employee of the executive office of the President  
17 other than a clerical or secretarial employee, any of-  
18 ficer or employee serving in an Executive Level I, II,  
19 III, IV, or V position as designated in statute or Ex-  
20 ecutive order, any officer or employee serving in a  
21 senior executive service position (as defined in sec-  
22 tion 3232(a)(2) of title 5, United States Code), any  
23 member of the uniformed services whose pay grade  
24 is at or in excess of 0–7 under section 201 of title  
25 37, United States Code, and any officer or employee

1 serving in a position of confidential or policy-deter-  
2 mining character under schedule C of the excepted  
3 service pursuant to regulations implementing section  
4 2103 of title 5, United States Code;

5 “(B) the term ‘lobbyist’ means—

6 “(i) a person required to register under  
7 section 308 of the Federal Regulation of Lobby-  
8 ing Act (2 U.S.C. 267) or the Foreign Agents  
9 Registration Act of 1938 (22 U.S.C. 611 et  
10 seq.) or any successor Federal law requiring a  
11 person who is a lobbyist or foreign agent to reg-  
12 ister or a person to report its lobbying activi-  
13 ties; or

14 “(C) the term ‘lobbying contact’—

15 “(i) means an oral or written communica-  
16 tion with or appearance before a member of  
17 Congress or covered executive branch official  
18 made by a lobbyist representing an interest of  
19 another person with regard to—

20 “(I) the formulation, modification, or  
21 adoption of Federal legislation (including a  
22 legislative proposal);

23 “(II) the formulation, modification, or  
24 adoption of a Federal rule, regulation, Ex-  
25 ecutive order, or any other program, policy



1 or position of the United States Govern-  
2 ment; or

3 “(III) the administration or execution  
4 of a Federal program or policy (including  
5 the negotiation, award, or administration  
6 of a Federal contract, grant, loan, permit,  
7 or license); but

8 “(ii) does not include a communication  
9 that is—

10 “(I) made by a public official acting  
11 in an official capacity;

12 “(II) made by a representative of a  
13 media organization who is primarily en-  
14 gaged in gathering and disseminating news  
15 and information to the public;

16 “(III) made in a speech, article, publi-  
17 cation, or other material that is widely dis-  
18 tributed to the public or through the  
19 media;

20 “(IV) a request for an appointment, a  
21 request for the status of a Federal action,  
22 or another similar ministerial contact, if  
23 there is no attempt to influence a member  
24 of Congress or covered executive branch of-  
25 ficial at the time of the contact;

1           “(V) made in the course of participa-  
2           tion in an advisory committee subject to  
3           the Federal Advisory Committee Act (5  
4           U.S.C. App.);

5           “(VI) testimony given before a com-  
6           mittee, subcommittee, or office of Congress  
7           a Federal agency, or submitted for inclu-  
8           sion in the public record of a hearing con-  
9           ducted by the committee, subcommittee, or  
10          office;

11          “(VII) information provided in writing  
12          in response to a specific written request  
13          from a member of Congress or covered ex-  
14          ecutive branch official;

15          “(VIII) required by subpoena, civil in-  
16          vestigative demand, or otherwise compelled  
17          by statute, regulation, or other action of  
18          Congress or a Federal agency;

19          “(IX) made to an agency official with  
20          regard to a judicial proceeding, criminal or  
21          civil law enforcement inquiry, investigation,  
22          or proceeding, or filing required by law;

23          “(X) made in compliance with written  
24          agency procedures regarding an adjudica-  
25          tion conducted by the agency under section

1 554 of title 5, United States Code, or sub-  
2 stantially similar provisions;

3 “(XI) a written comment filed in a  
4 public docket and other communication  
5 that is made on the record in a public pro-  
6 ceeding;

7 “(XII) a formal petition for agency  
8 action, made in writing pursuant to estab-  
9 lished agency procedures; or

10 “(XIII) made on behalf of a person  
11 with regard to the person’s benefits, em-  
12 ployment, other personal matters involving  
13 only that person, or disclosures pursuant  
14 to a whistleblower statute.”.

15 “(5) For purposes of this subsection, a lobbyist shall  
16 be considered to make a lobbying contact or communica-  
17 tion with a member of Congress if the lobbyist makes a  
18 lobbying contact or communication with—

19 “(i) the member of Congress;

20 “(ii) any person employed in the office of  
21 the member of Congress; or

22 “(iii) any person employed by a committee,  
23 joint committee, or leadership office who, to the  
24 knowledge of the lobbyist, was employed at the  
25 request of or is employed at the pleasure of, re-

1           ports primarily to, represents, or acts as the  
2           agent of the member of Congress.”.

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

5           Section 315 of FECA (2 U.S.C. 441a), as amended  
6 by section 401(b), is amended by adding at the end the  
7 following new subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

24 (2) by striking the third sentence.

1 **SEC. 604. ENFORCEMENT.**

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

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

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

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

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

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

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

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

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

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

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

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

15 **SEC. 605. PENALTIES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **TITLE VII—MISCELLANEOUS**

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

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

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

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

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

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

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

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

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



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

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

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

11 **SEC. 703. SENSE OF THE SENATE THAT CONGRESS SHOULD**  
12 **CONSIDER ADOPTION OF A JOINT RESOLU-**  
13 **TION PROPOSING AN AMENDMENT TO THE**  
14 **CONSTITUTION THAT WOULD EMPOWER CON-**  
15 **GRESS AND THE STATES TO SET REASON-**  
16 **ABLE LIMITS ON CAMPAIGN EXPENDITURES.**

17 It is the sense of the Senate that Congress should  
18 consider adoption of a joint resolution proposing an  
19 amendment to the Constitution that would—

20 (1) empower Congress to set reasonable limits  
21 on campaign expenditures by, in support of, or in  
22 opposition to any candidate in any primary, general,  
23 or other election for Federal office; and

24 (2) empower the States to set reasonable limits  
25 on campaign expenditures by, in support of, or in

1 opposition to any candidate in any primary, general,  
2 or other election for State or local office.

3 **SEC. 704. PERSONAL USE OF CAMPAIGN FUNDS.**

4 Section 313 of FECA (2 U.S.C. 439a) is amended—

5 (1) by inserting “(a)” before “Amounts”; and

6 (2) by adding at the end the following new sub-  
7 section:

8 “(b) For the purposes of this section, the term ‘per-  
9 sonal use’ means the use of funds in a campaign account  
10 of a present or former candidate to fulfill a commitment,  
11 obligation, or expense of any person that would exist irre-  
12 spective of the candidate’s campaign or duties as a holder  
13 of Federal office.”.

14 **TITLE VIII—EFFECTIVE DATES;**  
15 **AUTHORIZATIONS**

16 **SEC. 801. EFFECTIVE DATE.**

17 Except as otherwise provided in this Act, the amend-  
18 ments made by, and the provisions of, this Act shall take  
19 effect on the date of the enactment of this Act but shall  
20 not apply with respect to activities in connection with any  
21 election occurring before January 1, 1996.

22 **SEC. 802. SEVERABILITY.**

23 Except as provided in sections 101(c) and 121(b), if  
24 any provision of this Act (including any amendment made  
25 by this Act), or the application of any such provision to

1 any person or circumstance, is held invalid, the validity  
 2 of any other provision of this Act, or the application of  
 3 such provision to other persons and circumstances, shall  
 4 not be affected thereby.

5 **SEC. 803. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.**

6 (a) DIRECT APPEAL TO SUPREME COURT.—An ap-  
 7 peal may be taken directly to the Supreme Court of the  
 8 United States from any interlocutory order or final judg-  
 9 ment, decree, or order issued by any court ruling on the  
 10 constitutionality of any provision of this Act or amend-  
 11 ment made by this Act.

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

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S 46 IS—2

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S 46 IS—5

S 46 IS—6

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