

105TH CONGRESS
2D SESSION

S. 1664

To reform Federal election campaigns.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 1998

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

A BILL

To reform Federal election campaigns.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Federal Election Enforcement and Disclosure Reform
6 Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL ELECTION COMMISSION REFORM

Sec. 101. Membership; length of terms.

Sec. 102. Mandatory electronic filing.

Sec. 103. Independent litigation authority.

Sec. 104. Civil action.

Sec. 105. Civil penalty for certain reporting violations.
 Sec. 106. Filing of Senate reports with the Federal Election Commission.
 Sec. 107. Advisory committee.
 Sec. 108. Funding of the Commission.
 Sec. 109. Audits.
 Sec. 110. Authority to seek injunction.
 Sec. 111. Increase in penalty for knowing and willful violations.
 Sec. 112. Expedited procedures.

TITLE II—ENHANCED CAMPAIGN FINANCE DISCLOSURE

Sec. 201. Deposit of certain contributions in escrow account.
 Sec. 202. Required contributor certification.
 Sec. 203. Reporting requirements.

1 **TITLE I—FEDERAL ELECTION** 2 **COMMISSION REFORM**

3 **SEC. 101. MEMBERSHIP; LENGTH OF TERMS.**

4 (a) IN GENERAL.—Section 306(a) of the Federal
 5 Election Campaign Act of 1971 (2 U.S.C. 437c(a)) is
 6 amended—

7 (1) by striking paragraph (1) and inserting the
 8 following:

9 “(1) There is established a commission to be
 10 known as the Federal Election Commission com-
 11 posed of 7 members appointed by the President, by
 12 and with the advice and consent of the Senate, with
 13 the following qualifications:

14 “(A) The members appointed under this
 15 paragraph shall consist of—

16 “(i) 2 individuals affiliated with the
 17 Republican party;

18 “(ii) 2 individuals affiliated with the
 19 Democratic party;

1 “(iii) 1 individual affiliated with a po-
2 litical party other than the Republican or
3 Democratic Party that received at least 3
4 percent of the national popular vote in the
5 most recent Federal election prior to the
6 appointment (but if no such party exists,
7 then a political party other than the Re-
8 publican or Democratic party); and

9 “(iv) 2 individuals appointed by the
10 President from nominees recommended
11 under subparagraph (D).

12 “(B) The individuals described in clauses
13 (iii) and (iv) of subparagraph (A) shall be indi-
14 viduals who have, during the time period begin-
15 ning on the date that is 5 years before the date
16 of the appointment and ending on the date of
17 the appointment—

18 “(i) not held elective office as a mem-
19 ber of the Democratic or Republican politi-
20 cal party;

21 “(ii) not received any wages from the
22 Democratic or Republican political party;
23 and

24 “(iii) not provided substantial volun-
25 teer services or made any substantial dona-

tion to the Democratic or Republican political party or to a public officeholder or candidate for public office who is associated with the Democratic or Republican political party.

“(C) Individuals appointed under this paragraph shall have relevant knowledge for purposes of appointment to the Commission including—

“(i) a higher education degree in government, politics, or public or business administration or 4 years of comparable work experience in the field of government or politics; and

“(ii) 2 years or more of work experience in relation to Federal election law or other Federal electoral issues, or 4 years or more of such experience at the State level.

“(D) The Supreme Court shall recommend 10 nominees from which the President shall appoint 2 members of the Commission.”;

(2) by striking paragraph (2)(A) and inserting the following:

1 “(2)(A) A member of the Commission shall
2 serve for a single term of 7 years.”; and

3 (3) by striking paragraph (5) and inserting the
4 following:

5 “(5) The Commission shall elect a chairman
6 from among the members described in paragraph
7 (1)(D) and a vice chairman from among the other
8 members of the Commission. The vice chairman
9 shall act as chairman in the absence or disability of
10 the chairman or in the event of a vacancy in the offi-
11 cer.”.

12 (b) CONFORMING AMENDMENTS.—Section 306(a) of
13 the Federal Election Campaign Act of 1971 (2 U.S.C.
14 437c(a)) is amended by striking “(other than the Sec-
15 retary of the Senate and the Clerk of the House of Rep-
16 resentatives)” in paragraphs (3) and (4).

17 (c) EFFECTIVE DATE.—

18 (1) IN GENERAL.—The term of a member of
19 the Federal Election Commission appointed under
20 section 306(a)(1)(A) of the Federal Election Cam-
21 paign Act of 1971 shall begin on or after—

22 (A) in the case of 1 individual appointed
23 under clause (iii) and 1 individual appointed
24 under clause (iv), April 30, 1999;

1 (B) in the case of 1 individual appointed
 2 under clause (i) and 1 individual appointed
 3 under clause (ii), April 30, 2001; and

4 (C) in the case of 1 individual appointed
 5 under clause (i), 1 individual appointed under
 6 clause (ii), and 1 individual appointed under
 7 clause (iv), April 30, 2003.

8 (2) CURRENT MEMBERS.—Any member of the
 9 Federal Election Commission serving a term on the
 10 date of enactment (or any successor of such term)
 11 shall continue to serve until the expiration of the
 12 term.

13 **SEC. 102. MANDATORY ELECTRONIC FILING.**

14 Section 304(a) of the Federal Election Campaign Act
 15 of 1971 (2 U.S.C. 434(a)) is amended by striking para-
 16 graph (11) and inserting the following:

17 “(11) ELECTRONIC FILING.—

18 “(A) IN GENERAL.—The Commission shall pro-
 19 mulgate a regulation under which a person required
 20 to file a designation, statement, or report under this
 21 Act, in addition to the current filing requirements—

22 “(i) is required to maintain and file each
 23 designation, statement, or report in electronic
 24 form accessible by computer if the person has,
 25 or expects to have, aggregate contributions or

1 aggregate expenditures in excess of a threshold
 2 amount determined by the Commission; and

3 “(ii) may maintain and file a designation,
 4 statement, or report in electronic form acces-
 5 sible by computer if not required to do so under
 6 the regulation promulgated under clause (i).

7 “(B) VERIFICATION OF FILINGS.—

8 “(i) REGULATION.—The Commission shall
 9 promulgate a regulation to provide a method
 10 for verifying a designation, statement, report,
 11 or notification required to be filed under this
 12 paragraph (other than requiring a signature on
 13 the document being filed).

14 “(ii) TREATMENT OF VERIFICATION.—A
 15 document verified by the method promulgated
 16 under clause (i) shall be treated for all purposes
 17 in the same manner as a document verified by
 18 a signature.”.

19 **SEC. 103. INDEPENDENT LITIGATION AUTHORITY.**

20 Section 306(f) of the Federal Election Campaign Act
 21 of 1971 (2 U.S.C. 437c(f)) is amended by striking para-
 22 graph (4) and inserting the following:

23 “(4) INDEPENDENT LITIGATING AUTHORITY.—

24 “(A) IN GENERAL.—Notwithstanding para-
 25 graph (2) or any other provision of law, the

Commission is authorized to appear on its own behalf in any action related to the exercise of its statutory duties or powers in any court as either a party or as *amicus curiae*, either—

“(i) by attorneys employed in its office; or

“(ii) by counsel whom the Commission may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, and whose compensation shall be paid out of any funds otherwise available to pay the compensation of employees of the Commission.

“(B) SUPREME COURT.—The authority granted under subparagraph (A) includes the power to appeal from, and petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which the Commission appears pursuant to the authority provided in this section.”.

1 **SEC. 104. CIVIL ACTION.**

2 Section 309 of the Federal Election Campaign Act
3 of 1971 (2 U.S.C. 437g) is amended by adding at the end
4 the following:

5 “(e) CIVIL ACTION.—

6 “(1) AUTHORITY TO BRING CIVIL ACTION.—If
7 the Commission does not act to investigate or dis-
8 miss a complaint within 120 days after the com-
9 plaint is filed, the person who filed the complaint
10 may commence a civil action against the Commission
11 in United States district court for injunctive relief.

12 “(2) ATTORNEY’S FEES.—The court may award
13 the costs of the litigation (including reasonable at-
14 torney’s fees) to a plaintiff who substantially pre-
15 vails in the civil action.”.

16 **SEC. 105. CIVIL PENALTY FOR CERTAIN REPORTING VIOLA-**
17 **TIONS.**

18 Section 309(a) of the Federal Election Campaign Act
19 of 1971 (2 U.S.C. 437g(a)) is amended—

20 (1) by adding at the end the following:

21 “(13) PENALTY FOR LATE FILING.—

22 “(A) IN GENERAL.—The Commission shall
23 establish a schedule of monetary penalties (not
24 to exceed \$5,000 for each violation) that may
25 be imposed by the staff director of the Commis-

1 sion for a failure to meet the time requirements
2 for filing under section 304.

3 “(B) PUBLICATION OF SCHEDULE.—The
4 Commission shall publish the schedule under
5 subparagraph (A) in the Federal Register at
6 the beginning of every second calendar year.

7 “(C) REQUIRED FILING OF LATE RE-
8 PORT.—In addition to the assessment of a pen-
9 alty under subparagraph (A), the Commission
10 may require a report that has not been filed
11 within the time requirements of section 304 to
12 be filed by a specific date.

13 “(D) PROCEDURE FOR ASSESSING PEN-
14 ALTIES AND FILING DEADLINES.—

15 “(i) IN GENERAL.—Penalties and fil-
16 ing requirements imposed under this para-
17 graph shall not be subject to paragraph
18 (1), (2), (3), (4), (5) or (12).

19 “(ii) DETERMINATION.—In the as-
20 sessment of a penalty under this para-
21 graph, the staff director shall consider the
22 following factors:

23 “(I) The timing of the required
24 filing of the report with respect to an
25 election and the damage of not having

1 such report available to the Commis-
2 sion.

3 “(II) The filing and compliance
4 record of the political committee in-
5 volved.

6 “(III) The amount of the con-
7 tribution or expenditure that is the
8 subject of the penalty.

9 “(E) APPEALS.—

10 “(i) IN GENERAL.—A political com-
11 mittee shall have 30 days after the imposi-
12 tion of a penalty or filing requirement
13 under this paragraph to file an appeal with
14 the Commission.

15 “(ii) COMMISSION DETERMINATION.—
16 Within 30 days after receiving an appeal
17 under clause (i), the Commission shall
18 make a determination that is a final agen-
19 cy action.

20 “(iii) COURT OF APPEALS.—Not later
21 than the date that is 30 days after the
22 date of a final agency action under clause
23 (ii), a committee may appeal such action to
24 the court of appeals, and the judgment of
25 the court of appeals affirming or setting

1 aside the action of the Commission shall be
 2 final, subject to review by the Supreme
 3 Court of the United States upon certiorari
 4 or certification as provided in section 1254
 5 of title 28, United States Code.

6 “(F) COMPLETE BAR.—A penalty imposed
 7 under this paragraph by the Commission, un-
 8 less not satisfied, is a complete bar to any fur-
 9 ther action by the Commission, including the
 10 bringing of a civil proceeding under paragraph
 11 (6)(A).”;
 12 (2) in paragraph (5)(D)—

13 (A) by inserting after the first sentence the
 14 following: “In any case in which a penalty or
 15 filing requirement imposed on a political com-
 16 mittee or treasurer under paragraph (13) has
 17 not been satisfied, the Commission may insti-
 18 tute a civil action for enforcement under para-
 19 graph 6(A).”; and

20 (B) by inserting before the period at the
 21 end of the last sentence “or has failed to pay
 22 a penalty or meet a filing requirement imposed
 23 under paragraph (13)”; and

24 (3) in paragraph (6)(A), by striking “paragraph
 25 (4)(A)” and inserting “paragraph (4)(A) or (13)”.

1 **SEC. 106. FILING OF SENATE REPORTS WITH THE FEDERAL**
 2 **ELECTION COMMISSION.**

3 (a) SECTION 302 AMENDMENT.—Section 302 of the
 4 Federal Election Campaign Act of 1971 (2 U.S.C. 432)
 5 is amended by striking subsection (g) and inserting the
 6 following:

7 “(g) PLACE OF FILING.—All designations, state-
 8 ments, and reports required to be filed under this Act shall
 9 be filed with the Commission.”.

10 (b) CONFORMING AMENDMENTS.—Title III of the
 11 Federal Election Campaign Act of 1971 (2 U.S.C. 431
 12 et seq.) is amended—

13 (1) in section 304—

14 (A) in subsection (a)(6)(A), by striking
 15 “Secretary or the Commission” through “as ap-
 16 propriate” and inserting “Commission and Sec-
 17 retary of State”; and

18 (B) in the third sentence of subsection
 19 (c)(2), by striking “the Secretary or”; and

20 (2) in section 311(a)(4), by striking “Secretary
 21 or the”.

22 **SEC. 107. ADVISORY COMMITTEE.**

23 (a) ESTABLISHMENT.—There is established an advi-
 24 sory committee to be known as the “Advisory Committee
 25 on Federal Campaign Reform” (referred to in this section
 26 as the “Committee”).

1 (b) DUTIES OF THE COMMITTEE.—The Committee
2 shall study the laws (including regulations) that affect how
3 election campaigns for Federal office are conducted and
4 the implementation of such laws and may make rec-
5 ommendations for change. The Committee may hold such
6 hearings, sit and act at such time and places, take such
7 testimony, and receive such evidence as the Committee
8 considers advisable to carry out its responsibilities under
9 this section.

10 (c) MEMBERSHIP.—

11 (1) COMPOSITION.—The Committee shall be
12 composed of 9 members who are private citizens and
13 are appointed as follows:

14 (A) One shall be appointed by the Presi-
15 dent.

16 (B) One shall be appointed by the majority
17 leader of the Senate.

18 (C) One shall be appointed by the Speaker
19 of the House of Representatives.

20 (D) One shall be appointed by the majority
21 leader of the House of Representatives.

22 (E) One shall be appointed by the minority
23 leader of the Senate.

24 (F) One shall be appointed by the minority
25 leader of the House of Representatives.

1 (G) One shall be appointed by the Su-
 2 preme Court.

3 (H) One shall be appointed by the national
 4 political party of which the candidate for the of-
 5 fice of President in the last general election re-
 6 ceived the third largest number of popular
 7 votes.

8 (I) One shall be appointed by the Amer-
 9 ican Political Science Association.

10 The Committee shall select a chair from among its
 11 members.

12 (2) POLITICAL ACTIVITY.—The individuals de-
 13 scribed in subparagraphs (G), (H), and (I) of para-
 14 graph (1) shall be individuals who have, during the
 15 time period beginning on the date that is 5 years be-
 16 fore the date of the appointment and ending on the
 17 date of the appointment—

18 (A) not held elective office as a member of
 19 the Democratic or Republican political party;

20 (B) not received any wages from the
 21 Democratic or Republican political party; and

22 (C) not provided substantial volunteer
 23 services or made any substantial contribution to
 24 the Democratic or Republican political party or
 25 to a public officeholder or candidate for public

1 office who is associated with the Democratic or
2 Republican political party.

3 (3) RELEVANT KNOWLEDGE.—Individuals ap-
4 pointed under this subsection shall have relevant
5 knowledge for purposes of appointment to the Com-
6 mittee including—

7 (A) a higher education degree in govern-
8 ment, politics, or public or business administra-
9 tion or 4 years of comparable work experience
10 in the field of government or politics; and

11 (B) 2 years or more of work experience in
12 relation to Federal election law or other Federal
13 electoral issues, or 4 years or more of such ex-
14 perience at the State level.

15 (4) TERMS.—A member of the Committee may
16 serve for not more than 2 terms of 4 years in length.

17 (5) VACANCIES.—A vacancy in the Committee
18 shall be filled in the manner in which the original
19 appointment was made.

20 (6) COMPENSATION.—Each member of the
21 Committee shall each be entitled to receive the daily
22 equivalent of the annual rate of basic pay in effect
23 for level V of the Executive Schedule under section
24 5316 of title 5, United States Code, for each day

1 during which the member is engaged in the actual
2 performance of the duties of the Committee.

3 (7) QUORUM.—5 members of the Committee
4 shall constitute a quorum, and any decision of the
5 Committee shall require the affirmative vote of 5
6 members.

7 (8) MEETINGS.—The Committee shall meet at
8 the call of the chair or at the request of 5 members
9 of the Committee.

10 (d) STAFF OF COMMITTEE; SERVICES.—Subject to
11 rules adopted by the Committee, the chair, without regard
12 to the provisions of title 5, United States Code, governing
13 appointments in the competitive service and without re-
14 gard to the provisions of chapter 51 and subchapter III
15 of chapter 53 of that title relating to classifications and
16 General Schedule pay rates, may appoint such staff per-
17 sonnel as the chair considers necessary and procure tem-
18 porary and intermittent services to the same extent as is
19 authorized by section 3109(b) of title 5, United States
20 Code.

21 (e) RECOMMENDATION; FAST TRACK PROCE-
22 DURES.—

23 (1) REPORT.—The Committee shall submit a
24 report to Congress on or before April 15, 1999, and
25 every 2 years thereafter.

1 (2) RECOMMENDATIONS.—

2 (A) IN GENERAL.—The report under para-
3 graph (1) shall include any recommendations
4 for changes in the laws (including regulations)
5 governing the conduct of Federal campaigns,
6 including any changes in the rules of the Senate
7 or the House of Representatives, to which 5 or
8 more members of the Committee agree.

9 (B) FORM.—Such report shall include a
10 draft of any proposed legislation and include
11 both the majority and the minority views with
12 regard to any recommendation.

13 (3) CONSIDERATION BY CONGRESS.—

14 (A) RULES OF HOUSE OF REPRESENTA-
15 TIVES AND SENATE.—This paragraph is en-
16 acted by the Congress—

17 (i) as an exercise of the rulemaking
18 power of the House of Representatives and
19 of the Senate, respectively, and as such it
20 shall be considered as part of the rules of
21 each House, respectively, or of the House
22 to which it specifically applies, and the
23 rules shall supersede other rules only to
24 the extent that they are inconsistent; and

1 (ii) with full recognition of the con-
2 stitutional right of either House to change
3 the rules (so far as the rules relate to that
4 House) at any time, in the same manner,
5 and to the same extent as in the case of
6 any other rule of that House.

7 (B) DEFINITION.—In this paragraph, the
8 term “Federal election bill” means only a bill of
9 either House of Congress that is introduced as
10 provided in subparagraph (C) to carry out the
11 recommendations of the Committee as set forth
12 in the draft legislation submitted under para-
13 graph (1).

14 (C) INTRODUCTION AND REFERRAL.—Not
15 later than 3 days after the Committee submits
16 draft legislation under paragraph (1), a Federal
17 election bill shall be introduced (by request) in
18 the House of Representatives by the Majority
19 Leader of the House, shall be introduced (by
20 request) in the Senate by the Majority Leader
21 of the Senate, and shall be referred to the ap-
22 propriate committee.

23 (D) AMENDMENTS PROHIBITED.—No
24 amendment to a Federal election bill shall be in
25 order in either the House of Representatives or

the Senate, no motion to suspend the application of this subsection shall be in order in either House, and it shall not be in order in either House to entertain a request to suspend the application of this subsection by unanimous consent.

(E) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—

(i) AUTOMATIC DISCHARGE.—If the committee of either House to which a Federal election bill is referred has not reported the bill by the close of the 30th day after introduction, the committee shall be automatically discharged from further consideration of the bill, and the bill shall be placed on the appropriate calendar.

(ii) PROCEDURE WHEN THERE IS PRIOR PASSAGE OF BILL BY OTHER HOUSE.—If, prior to the passage by 1 House of a Federal election bill of that House, that House receives the same Federal election bill from the other House—

(I) the procedure in that House shall be the same as if no Federal

1 election bill had been received from
2 the other House; but

3 (II) the vote on final passage
4 shall be on the Federal election bill of
5 the other House.

6 (iii) COMPUTATION.—For purposes of
7 clause (i), in computing a number of days
8 in either House, there shall be excluded the
9 days on which that House is not in session
10 because of an adjournment of more than 3
11 days to a day certain or an adjournment of
12 the Congress sine die.

13 (F) FLOOR CONSIDERATION IN THE
14 HOUSE.—

15 (i) MOTION TO PROCEED TO CON-
16 sider.—

17 (I) PRIVILEGE.—A motion in the
18 House of Representatives to proceed
19 to the consideration of a Federal elec-
20 tion bill shall be highly privileged and
21 not debatable, except that a motion to
22 proceed to consider may be made only
23 on the second legislative day after the
24 calendar day on which the Member
25 making the motion announces to the

1 House the Member's intention to do
2 so.

3 (II) NO AMENDMENT OR MOTION
4 TO RECONSIDER.—An amendment to
5 the motion shall not be in order, and
6 it shall not be in order to move to re-
7 consider the vote by which the motion
8 is agreed to or disagreed to.

9 (ii) DEBATE.—

10 (I) TIME.—Consideration of a
11 Federal election bill in the House of
12 Representatives shall be in the House,
13 with debate limited to not more than
14 10 hours, which shall be divided
15 equally between the proponents and
16 opponents of the bill.

17 (II) NO INTERVENING MOTION.—
18 The previous question on the Federal
19 election bill shall be considered as or-
20 dered to final passage without inter-
21 vening motion.

22 (III) MOTION TO RECONSIDER
23 NOT IN ORDER.—It shall not be in
24 order to move to reconsider the vote

1 by which a Federal election bill is
2 agreed to or disagreed to.

3 (iii) APPEALS FROM DECISION OF
4 CHAIR.—All appeals from the decisions of
5 the Chair relating to the application of the
6 rules of the House of Representatives to
7 the procedure relating to a Federal election
8 bill shall be decided without debate.

9 (G) FLOOR CONSIDERATION IN THE SEN-
10 ATE.—

11 (i) MOTION TO PROCEED TO CONSID-
12 ERATION.—

13 (I) PRIVILEGE.—A motion in the
14 Senate to proceed to the consideration
15 of a Federal election bill shall be priv-
16 ileged and not debatable.

17 (II) NO AMENDMENT OR MOTION
18 TO RECONSIDER.—An amendment to
19 the motion shall not be in order, and
20 it shall not be in order to move to re-
21 consider the vote by which the motion
22 is agreed to or disagreed to.

23 (ii) DEBATE OF BILL.—

24 (I) TIME.—Debate in the Senate
25 on a Federal election bill, and all de-

1 batable motions and appeals in con-
 2 nection with the bill, shall be limited
 3 to not more than 10 hours.

4 (II) DIVISION OF TIME.—The
 5 time shall be equally divided between,
 6 and controlled by, the Majority Lead-
 7 er and the Minority Leader or their
 8 designees.

9 (iii) DEBATE OF MOTION OR AP-
 10 PEAL.—

11 (I) TIME.—Debate in the Senate
 12 on any debatable motion or appeal in
 13 connection with a Federal election bill
 14 shall be limited to not more than 1
 15 hour, to be equally divided between,
 16 and controlled by, the proponent of
 17 the motion and the manager of the
 18 bill, except that if the manager of the
 19 bill is in favor of the motion or ap-
 20 peal, the time in opposition to the mo-
 21 tion or appeal, shall be controlled by
 22 the Minority Leader or a designee of
 23 the Minority Leader.

24 (II) ALLOTMENT OF ADDITIONAL
 25 TIME.—The leaders under subclause

1 (I), or either of them, may, from time
 2 under their control on the passage of
 3 a Federal election bill, allot additional
 4 time to a Senator during the consider-
 5 ation of a debatable motion or appeal.

6 (iv) MOTION TO LIMIT DEBATE.—A
 7 motion in the Senate to further limit de-
 8 bate is not debatable.

9 (v) MOTION TO RECOMMIT NOT IN
 10 ORDER.—A motion to recommit a Federal
 11 election bill is not in order.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 13 are authorized to be appropriated to carry out this sec-
 14 tion—

15 (1) \$1,000,000 for each of fiscal years 1999
 16 and 2000; and

17 (2) such sums as may be necessary for each fis-
 18 cal year after fiscal year 2000.

19 (g) EFFECTIVE DATE.—Appointments under sub-
 20 section (c) shall be made on or after January 1, 1999.

21 **SEC. 108. FUNDING OF THE COMMISSION.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—There
 23 are authorized to be appropriated to carry out this Act,
 24 the Federal Election Campaign Act of 1971 (2 U.S.C. 431

1 et seq.), and chapters 95 and 96 of the Internal Revenue
 2 Code of 1986—

3 (1) for each of fiscal years 1999 and 2000,
 4 \$50,000,000; and

5 (2) for each fiscal year after fiscal year 2000,
 6 such amounts as necessary.

7 (b) USER FEE SCHEDULE.—

8 (1) IN GENERAL.—The Federal Election Com-
 9 mission shall establish by regulation a schedule of
 10 user fees that apply to persons required to file a re-
 11 port under the Federal Election Campaign Act of
 12 1971 (2 U.S.C. 431 et seq.).

13 (2) REQUIREMENTS.—A user fee schedule es-
 14 tablished under paragraph (1) shall—

15 (A) be printed in the Federal Register not
 16 less than 30 days before a fiscal year begins;

17 (B) contain sufficient fees to meet the esti-
 18 mated operating costs of the Federal Election
 19 Commission for the next fiscal year;

20 (C) contain sufficient fees to meet the esti-
 21 mated operating costs of the Advisory Commit-
 22 tee on Federal Campaign Reform;

23 (D) provide a waiver of fees for persons re-
 24 quired to file a report with the Federal Election

1 Commission for the first \$50,000 of reported
 2 contributions for the election cycle; and

3 (E) contain categories under which fees
 4 are increased as the amount of contributions re-
 5 ceived increases.

6 (3) APPROPRIATIONS.—Any fees collected pur-
 7 suant to this subsection are hereby appropriated for
 8 use by the Federal Election Commission in carrying
 9 out its duties under the Federal Election Campaign
 10 Act of 1971, and for use by the Advisory Committee
 11 on Federal Campaign Reform in carrying out its du-
 12 ties under this Act, and shall remain available with-
 13 out fiscal year limitation.

14 (4) LIMITATION ON AMOUNT.—

15 (A) FEDERAL ELECTION COMMISSION.—
 16 The estimated operating costs of the Federal
 17 Election Commission under paragraph (3) shall
 18 not exceed an amount equal to \$50,000,000 (in-
 19 dexed as provided in section 315(c) with a base
 20 year of 1997) and any amounts collected under
 21 this subsection in excess of that amount shall
 22 be used for operating costs in future fiscal
 23 years.

24 (B) ADVISING COMMITTEE.—Subpara-
 25 graph (A) shall also apply to the Advisory Com-

1 mittee on Federal Campaign Reform, except
 2 that \$1,000,000 shall be substituted for
 3 \$50,000,000.

4 (c) CONFORMING AMENDMENT.—Title III of the
 5 Federal Election Campaign Act of 1971 (2 U.S.C. 431
 6 et seq.) is amended by striking section 314 and inserting
 7 the following:

8 **“SEC. 314. [REPEALED].”.**

9 (d) EFFECTIVE DATE.—The provisions of subsection
 10 (b) shall be effective for fiscal years beginning on or after
 11 December 31, 1999.

12 **SEC. 109. AUDITS.**

13 (a) RANDOM AUDITS.—Section 311(b) of the Federal
 14 Election Campaign Act of 1971 (2 U.S.C. 438(b)) is
 15 amended—

16 (1) by inserting “(1)” before “The Commis-
 17 sion”; and

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

19 “(2) RANDOM AUDITS.—

20 “(A) IN GENERAL.—Notwithstanding para-
 21 graph (1), the Commission may conduct ran-
 22 dom audits and investigations to ensure vol-
 23 untary compliance with this Act.

24 “(B) LIMITATION.—The Commission shall
 25 not conduct an audit or investigation of a can-

1 didate’s authorized committee under paragraph
 2 (1) until the candidate is no longer a candidate
 3 for the office sought by the candidate in an
 4 election cycle.

5 “(C) APPLICABILITY.—This paragraph
 6 does not apply to an authorized committee of a
 7 candidate for President or Vice President sub-
 8 ject to audit under section 9007 or 9038 of the
 9 Internal Revenue Code of 1986.”.

10 (b) EXTENSION OF PERIOD DURING WHICH CAM-
 11 PAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the
 12 Federal Election Campaign Act of 1971 (2 U.S.C. 438(b))
 13 is amended by striking “6 months” and inserting “12
 14 months”.

15 **SEC. 110. AUTHORITY TO SEEK INJUNCTION.**

16 Section 309(a) of the Federal Election Campaign Act
 17 of 1971 (2 U.S.C. 437g(a)) (as amended by section 105)
 18 is amended—

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

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

23 “(i) there is a substantial likelihood that a vio-
 24 lation of this Act is occurring or is about to occur;

1 “(ii) the failure to act expeditiously will result
2 in irreparable harm to a party affected by the poten-
3 tial violation;

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

6 “(iv) the public interest would be best served by
7 the issuance of an injunction;

8 the Commission may initiate a civil action for a temporary
9 restraining order or a preliminary injunction pending the
10 outcome of the proceedings described in paragraphs (1),
11 (2), (3), and (4).

12 “(B) An action under subparagraph (A) shall be
13 brought in the United States district court for the district
14 in which the defendant resides, transacts business, or may
15 be found, or in which the violation is occurring, has oc-
16 curred, or is about to occur.”;

17 (2) in paragraph (7), by striking “(5) or (6)”
18 and inserting “(5), (6), or (13)”;

19 (3) in paragraph (11), by striking “(6)” and in-
20 serting “(6) or (13)”.

21 **SEC. 111. INCREASE IN PENALTY FOR KNOWING AND WILL-**
22 **FUL VIOLATIONS.**

23 Section 309(a)(5)(B) of the Federal Election Cam-
24 paign Act of 1971 (2 U.S.C. 437g(a)(5)(B)) is amended
25 by striking “the greater of \$10,000 or an amount equal

1 to 200 percent” and inserting “the greater of \$15,000 or
 2 an amount equal to 300 percent”.

3 **SEC. 112. EXPEDITED PROCEDURES.**

4 Section 309(a) of the Federal Election Campaign Act
 5 of 1971 (2 U.S.C. 437g(a)) (as amended by section 110)
 6 is amended by adding at the end the following:

7 “(15)(A) If the complaint in a proceeding was
 8 filed within 60 days immediately preceding a general
 9 election, the Commission may take action described
 10 in this paragraph.

11 “(B) If the Commission determines, on the
 12 basis of facts alleged in the complaint and other
 13 facts available to the Commission, that there is clear
 14 and convincing evidence that a violation of this Act
 15 has occurred, is occurring, or is about to occur and
 16 it appears that the requirements for relief stated in
 17 clauses (ii), (iii), and (iv) of paragraph (14)(A) are
 18 met, the Commission may—

19 “(i) order expedited proceedings, shorten-
 20 ing the time periods for proceedings under
 21 paragraphs (1), (2), (3), and (4) as necessary
 22 to allow the matter to be resolved in sufficient
 23 time before the election to avoid harm or preju-
 24 dice to the interests of the parties; or

1 “(ii) if the Commission determines that
2 there is insufficient time to conduct proceedings
3 before the election, immediately seek relief
4 under paragraph (14)(A).

5 “(C) If the Commission determines, on the
6 basis of facts alleged in the complaint and other
7 facts available to the Commission, that the com-
8 plaint is clearly without merit, the Commission
9 may—

10 “(i) order expedited proceedings, shorten-
11 ing the time periods for proceedings under
12 paragraphs (1), (2), (3), and (4) as necessary
13 to allow the matter to be resolved in sufficient
14 time before the election to avoid harm or preju-
15 dice to the interests of the parties; or

16 “(ii) if the Commission determines that
17 there is insufficient time to conduct proceedings
18 before the election, summarily dismiss the com-
19 plaint.”.

1 **TITLE II—ENHANCED CAMPAIGN**
 2 **FINANCE DISCLOSURE**

3 **SEC. 201. DEPOSIT OF CERTAIN CONTRIBUTIONS IN ES-**
 4 **CROW ACCOUNT.**

5 Section 302 of Federal Election Campaign Act of
 6 1971 (2 U.S.C. 432) is amended by adding at the end
 7 the following:

8 “(j) DEPOSIT OF CONTRIBUTIONS.—The treasurer of
 9 a candidate’s authorized committee shall not deposit (ex-
 10 cept in an escrow account), or otherwise negotiate, a con-
 11 tribution from a person who makes an aggregate amount
 12 of contributions in excess of \$200 during a calendar year
 13 unless the treasurer verifies that the information required
 14 by this section is complete.”.

15 **SEC. 202. REQUIRED CONTRIBUTOR CERTIFICATION.**

16 Section 301(13) of the Federal Election Campaign
 17 Act of 1971 (2 U.S.C. 431(13)) is amended—

18 (1) in subparagraph (A)—

19 (A) by striking “and” the first place it ap-
 20 pears; and

21 (B) by inserting “, and an affirmation that
 22 the individual is an individual who is not pro-
 23 hibited by sections 319 and 320 from making
 24 the contribution” after “employer”; and

1 (2) in subparagraph (B) by inserting “and an
2 affirmation that the person is a person that is not
3 prohibited by sections 319 and 320 from making a
4 contribution” after “such person”.

5 **SEC. 203. REPORTING REQUIREMENTS.**

6 (a) **FILING DATE FOR REPORTS.**—Section 304(a) of
7 the Federal Election Campaign Act of 1971 (2 U.S.C.
8 434(a)) is amended—

9 (1) in paragraph (2)(A)(i), by striking “(or
10 posted by registered or certified mail no later than
11 the 15th day before)”;

12 (2) in paragraph (4)(A)(ii), by striking “(or
13 posted by registered or certified mail no later than
14 the 15th day before)”; and

15 (3) by striking paragraph (5) and inserting
16 “(5) [REPEALED].”.

17 (b) **CAMPAIGN-CYCLE REPORTING.**—

18 (1) **IN GENERAL.**—Section 304(b) of the Fed-
19 eral Election Campaign Act of 1971 (2 U.S.C.
20 434(b)) is amended—

21 (A) in paragraph (2), by inserting “(or, in
22 the case of an authorized committee, the report-
23 ing period and the election cycle)” after “cal-
24 endar year”;

25 (B) in paragraph (3)—

1 (i) in subparagraph (A), by inserting
 2 “(or, in the case of an authorized commit-
 3 tee, within the election cycle)” after “cal-
 4 endar year”;

5 (ii) in subparagraph (F), by inserting
 6 “(or, in the case of an authorized commit-
 7 tee, within the election cycle)” after “cal-
 8 endar year”; and

9 (iii) in subparagraph (G), by inserting
 10 “(or, in the case of an authorized commit-
 11 tee, within the election cycle)” after “cal-
 12 endar year”;

13 (C) in paragraph (4), by inserting “(or, in
 14 the case of an authorized committee, the report-
 15 ing period and the election cycle)” after “cal-
 16 endar year”;

17 (D) in paragraph (5)(A), by inserting “(or,
 18 in the case of an authorized committee, within
 19 the election cycle)” after “calendar year”; and

20 (E) in paragraph (6)(A), by striking “cal-
 21 endar year” and inserting “election cycle”.

22 (2) DEFINITION OF ELECTION CYCLE.—Section
 23 301 of the Federal Election Campaign Act of 1971
 24 (2 U.S.C. 431) is amended by adding at the end the
 25 following:

1 “(20) ELECTION CYCLE.—The term ‘election
2 cycle’ means the period beginning on the day after
3 the date of the most recent general election for the
4 specific office or seat that a candidate is seeking and
5 ending on the date of the next general election for
6 that office or seat.”.

7 (c) MONTHLY REPORTING BY MULTICANDIDATE PO-
8 LITICAL COMMITTEES.—Section 304(a)(4)(B) of the Fed-
9 eral Election Campaign Act of 1971 (2 U.S.C.
10 434(a)(4)(B)) is amended by adding at the end the follow-
11 ing: “In the case of a multicandidate political committee
12 that has received contributions aggregating \$100,000 or
13 more or made expenditures aggregating \$100,000 or
14 more, by January 1 of the calendar year, or anticipates
15 receiving contributions aggregating \$100,000 or more or
16 making expenditures aggregating \$100,000 or more dur-
17 ing such year, the committee shall file monthly reports
18 under this subparagraph.”.

19 (d) FILING OF REPORT OF INDEPENDENT EXPENDI-
20 TURES.—The second sentence of section 304(c)(2) of the
21 Federal Election Campaign Act of 1971 (2 U.S.C.
22 434(c)(2)) is amended by inserting “and filed” after
23 “shall be reported”.

24 (e) DISBURSEMENTS TO SECONDARY PAYEES.—

25 (1) COMMITTEE RECORDS.—

1 (A) INFORMATION RECORDED BY TREAS-
2 URER.—Section 302(c) of Federal Election
3 Campaign Act of 1971 (2 U.S.C. 432(c)) is
4 amended—

5 (i) in paragraph (4), by striking
6 “and” at the end;

7 (ii) in paragraph (5), by striking the
8 period and inserting “; and”; and

9 (iii) by adding at the end the follow-
10 ing:

11 “(6) in the case of a disbursement described in
12 paragraph (5) that is made to a person providing
13 personal or consulting services and is used by such
14 person to make a disbursement to another person
15 (not including employees) who provides goods or
16 services to the candidate or the candidate’s author-
17 ized committees, the name and address of the other
18 person, the date, amount, and purpose of such dis-
19 bursement, and a receipt, invoice, or canceled check
20 for each disbursement.”.

21 (B) INFORMATION REPORTED TO COMMIT-
22 TEE.—Section 302 of the Federal Election
23 Campaign Act of 1971 (2 U.S.C. 432) (as
24 amended by section 201) is amended by adding
25 at the end the following:

1 “(k) A person described in section 304(b)(5)(F) shall
 2 maintain records of and provide to a political committee
 3 the information necessary for the committee to report the
 4 information described in such section and maintain the in-
 5 formation required under subsection (c).”.

6 (2) REQUIRED DISCLOSURE.—Section 304(b) of
 7 the Federal Election Campaign Act of 1971 (2
 8 U.S.C. 434(b)) is amended—

9 (A) in paragraph (5)—

10 (i) in subparagraph (D), by striking
 11 “and” at the end;

12 (ii) in subparagraph (E), by inserting
 13 “and” after the semicolon; and

14 (iii) by adding at the end the follow-
 15 ing:

16 “(F) in the case of an expenditure de-
 17 scribed in subparagraph (A) that is made to a
 18 person providing personal or consulting services
 19 and is used by such person to make expendi-
 20 tures to another person (not including employ-
 21 ees) who provides goods or services to the can-
 22 didate or the candidate’s authorized commit-
 23 tees, the other person, together with the date,
 24 amount, and purpose of such expenditure, shall
 25 be disclosed;” and

1 (B) in paragraph (6)—

2 (i) in subparagraph (A) (as amended
3 by subsection (b)), by inserting “and each
4 other person described in paragraph
5 (5)(F)” after “election cycle”; and

6 (ii) in subparagraph (B)(v), by insert-
7 ing “including other persons described in
8 paragraph (5)(F)” after “person”.

9 (f) REPORTING OF CERTAIN EXPENDITURES.—Sec-
10 tion 304(a) of the Federal Election Campaign Act of 1971
11 (2 U.S.C. 434(a)) is amended by adding at the end the
12 following:

13 “(12)(A)(i) A political committee, other than an au-
14 thorized committee of a candidate, that has received con-
15 tributions aggregating \$100,000 or more or made expendi-
16 tures aggregating \$100,000 or more during the calendar
17 year or anticipates receiving contributions aggregating
18 \$100,000 or more or making expenditures aggregating
19 \$100,000 or more during such year, shall notify the Com-
20 mission in writing of any contribution in an aggregate
21 amount equal to \$1,000 or more received by the committee
22 after the 20th day, but more than 48 hours, before any
23 election.

24 “(ii) Notification shall be made within 48 hours after
25 the receipt of such contribution and shall include the name

1 of the political committee, the identification of the contrib-
2 utor, and the date of receipt of the contribution.

3 “(B) The notification required under this paragraph
4 shall be in addition to all other reporting requirements
5 under this Act.”.

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