

Calendar No. 312

106TH CONGRESS
1ST SESSION

S. 1593

A BILL

To amend the Federal Election Campaign Act of
1971 to provide bipartisan campaign reform.

OCTOBER 8, 1999

Committee discharged; ordered to be placed on the
calendar

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To amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 1999

Mr. MCCAIN (for himself and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

OCTOBER 8, 1999

Committee discharged; ordered to be placed on the calendar

A BILL

To amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bipartisan Campaign
5 Reform Act of 1999”.

1 **SEC. 2. SOFT MONEY OF POLITICAL PARTIES.**

2 Title III of the Federal Election Campaign Act of
3 1971 (2 U.S.C. 431 et seq.) is amended by adding at the
4 end the following:

5 **“SEC. 323. SOFT MONEY OF POLITICAL PARTIES.**

6 “(a) NATIONAL COMMITTEES.—

7 “(1) IN GENERAL.—A national committee of a
8 political party (including a national congressional
9 campaign committee of a political party) and any of-
10 ficers or agents of such party committees, shall not
11 solicit, receive, or direct to another person a con-
12 tribution, donation, or transfer of funds, or spend
13 any funds, that are not subject to the limitations,
14 prohibitions, and reporting requirements of this Act.

15 “(2) APPLICABILITY.—This subsection shall
16 apply to an entity that is directly or indirectly estab-
17 lished, financed, maintained, or controlled by a na-
18 tional committee of a political party (including a na-
19 tional congressional campaign committee of a polit-
20 ical party), or an entity acting on behalf of a na-
21 tional committee, and an officer or agent acting on
22 behalf of any such committee or entity.

23 “(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

24 “(1) IN GENERAL.—An amount that is ex-
25 pended or disbursed by a State, district, or local
26 committee of a political party (including an entity

1 that is directly or indirectly established, financed,
2 maintained, or controlled by a State, district, or
3 local committee of a political party and an officer or
4 agent acting on behalf of such committee or entity)
5 for Federal election activity shall be made from
6 funds subject to the limitations, prohibitions, and re-
7 porting requirements of this Act.

8 “(2) FEDERAL ELECTION ACTIVITY.—

9 “(A) IN GENERAL.—The term ‘Federal
10 election activity’ means—

11 “(i) voter registration activity during
12 the period that begins on the date that is
13 120 days before the date a regularly sched-
14 uled Federal election is held and ends on
15 the date of the election;

16 “(ii) voter identification, get-out-the-
17 vote activity, or generic campaign activity
18 conducted in connection with an election in
19 which a candidate for Federal office ap-
20 pears on the ballot (regardless of whether
21 a candidate for State or local office also
22 appears on the ballot); and

23 “(iii) a communication that refers to a
24 clearly identified candidate for Federal of-
25 fice (regardless of whether a candidate for

1 State or local office is also mentioned or
2 identified) and is made for the purpose of
3 influencing a Federal election (regardless
4 of whether the communication is express
5 advocacy).

6 “(B) EXCLUDED ACTIVITY.—The term
7 ‘Federal election activity’ does not include an
8 amount expended or disbursed by a State, dis-
9 trict, or local committee of a political party
10 for—

11 “(i) campaign activity conducted sole-
12 ly on behalf of a clearly identified can-
13 didate for State or local office, provided
14 the campaign activity is not a Federal elec-
15 tion activity described in subparagraph
16 (A);

17 “(ii) a contribution to a candidate for
18 State or local office, provided the contribu-
19 tion is not designated or used to pay for a
20 Federal election activity described in sub-
21 paragraph (A);

22 “(iii) the costs of a State, district, or
23 local political convention;

24 “(iv) the costs of grassroots campaign
25 materials, including buttons, bumper stick-

1 ers, and yard signs, that name or depict
2 only a candidate for State or local office;

3 “(v) the non-Federal share of a State,
4 district, or local party committee’s admin-
5 istrative and overhead expenses (but not
6 including the compensation in any month
7 of an individual who spends more than 20
8 percent of the individual’s time on Federal
9 election activity) as determined by a regu-
10 lation promulgated by the Commission to
11 determine the non-Federal share of a
12 State, district, or local party committee’s
13 administrative and overhead expenses; and

14 “(vi) the cost of constructing or pur-
15 chasing an office facility or equipment for
16 a State, district or local committee.

17 “(C) GENERIC CAMPAIGN ACTIVITY.—The
18 term ‘generic campaign activity’ means an ac-
19 tivity that promotes a political party and does
20 not promote a candidate or non-Federal can-
21 didate.

22 “(c) FUNDRAISING COSTS.—An amount spent by a
23 national, State, district, or local committee of a political
24 party, by an entity that is established, financed, main-
25 tained, or controlled by a national, State, district, or local

1 committee of a political party, or by an agent or officer
 2 of any such committee or entity, to raise funds that are
 3 used, in whole or in part, to pay the costs of a Federal
 4 election activity shall be made from funds subject to the
 5 limitations, prohibitions, and reporting requirements of
 6 this Act.

7 “(d) TAX-EXEMPT ORGANIZATIONS.—A national,
 8 State, district, or local committee of a political party (in-
 9 cluding a national congressional campaign committee of
 10 a political party), an entity that is directly or indirectly
 11 established, financed, maintained, or controlled by any
 12 such national, State, district, or local committee or its
 13 agent, and an officer or agent acting on behalf of any such
 14 party committee or entity, shall not solicit any funds for,
 15 or make or direct any donations to, an organization that
 16 is described in section 501(c) of the Internal Revenue
 17 Code of 1986 and exempt from taxation under section
 18 501(a) of such Code (or has submitted an application for
 19 determination of tax exempt status under such section).

20 “(e) CANDIDATES.—

21 “(1) IN GENERAL.—A candidate, individual
 22 holding Federal office, agent of a candidate or indi-
 23 vidual holding Federal office, or an entity directly or
 24 indirectly established, financed, maintained or con-
 25 trolled by or acting on behalf of one or more can-

1 didates or individuals holding Federal office, shall
2 not—

3 “(A) solicit, receive, direct, transfer, or
4 spend funds in connection with an election for
5 Federal office, including funds for any Federal
6 election activity, unless the funds are subject to
7 the limitations, prohibitions, and reporting re-
8 quirements of this Act; or

9 “(B) solicit, receive, direct, transfer, or
10 spend funds in connection with any election
11 other than an election for Federal office or dis-
12 burse funds in connection with such an election
13 unless the funds—

14 “(i) are not in excess of the amounts
15 permitted with respect to contributions to
16 candidates and political committees under
17 paragraphs (1) and (2) of section 315(a);
18 and

19 “(ii) are not from sources prohibited
20 by this Act from making contributions with
21 respect to an election for Federal office.

22 “(2) STATE LAW.—Paragraph (1) does not
23 apply to the solicitation, receipt, or spending of
24 funds by an individual who is a candidate for a
25 State or local office in connection with such election

1 for State or local office if the solicitation, receipt,
 2 or spending of funds is permitted under State law
 3 for any activity other than a Federal election activ-
 4 ity.

5 “(3) FUNDRAISING EVENTS.—Notwithstanding
 6 paragraph (1), a candidate may attend, speak, or be
 7 a featured guest at a fundraising event for a State,
 8 district, or local committee of a political party.”.

9 **SEC. 3. INCREASED CONTRIBUTION LIMITS FOR STATE**
 10 **COMMITTEES OF POLITICAL PARTIES AND**
 11 **AGGREGATE CONTRIBUTION LIMIT FOR INDIV-**
 12 **IDUALS.**

13 (a) CONTRIBUTION LIMIT FOR STATE COMMITTEES
 14 OF POLITICAL PARTIES.—Section 315(a)(1) of the Fed-
 15 eral Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1))
 16 is amended—

17 (1) in subparagraph (B), by striking “or” at
 18 the end;

19 (2) in subparagraph (C)—

20 (A) by inserting “(other than a committee
 21 described in subparagraph (D))” after “com-
 22 mittee”; and

23 (B) by striking the period at the end and
 24 inserting “; or”; and

25 (3) by adding at the end the following:

1 “(D) to a political committee established and
 2 maintained by a State committee of a political party
 3 in any calendar year which, in the aggregate, exceed
 4 \$10,000.”.

5 (b) AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUAL.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by
 6
 7 striking “\$25,000” and inserting “\$30,000”.

9 **SEC. 4. REPORTING REQUIREMENTS.**

10 (a) REPORTING REQUIREMENTS.—Section 304 of the
 11 Federal Election Campaign Act of 1971 (2 U.S.C. 434)
 12 is amended by adding at the end the following:

13 “(d) POLITICAL COMMITTEES.—

14 “(1) NATIONAL AND CONGRESSIONAL POLITICAL COMMITTEES.—The national committee of a
 15 political party, any national congressional campaign
 16 committee of a political party, and any subordinate
 17 committee of either, shall report all receipts and dis-
 18 bursements during the reporting period.

19
 20 “(2) OTHER POLITICAL COMMITTEES TO WHICH
 21 SECTION 323 APPLIES.—In addition to any other re-
 22 porting requirements applicable under this Act, a
 23 political committee (not described in paragraph (1))
 24 to which section 323(b)(1) applies shall report all re-
 25 ceipts and disbursements made for activities de-

1 scribed in subparagraphs (A) and (B)(v) of section
 2 323(b)(2).

3 “(3) ITEMIZATION.—If a political committee
 4 has receipts or disbursements to which this sub-
 5 section applies from any person aggregating in ex-
 6 cess of \$200 for any calendar year, the political
 7 committee shall separately itemize its reporting for
 8 such person in the same manner as required in para-
 9 graphs (3)(A), (5), and (6) of subsection (b).

10 “(4) REPORTING PERIODS.—Reports required
 11 to be filed under this subsection shall be filed for the
 12 same time periods required for political committees
 13 under subsection (a).”.

14 (b) BUILDING FUND EXCEPTION TO THE DEFINI-
 15 TION OF CONTRIBUTION.—Section 301(8)(B) of the Fed-
 16 eral Election Campaign Act of 1971 (2 U.S.C. 431(8)(B))
 17 is amended—

18 (1) by striking clause (viii); and

19 (2) by redesignating clauses (ix) through (xiv)
 20 as clauses (viii) through (xiii), respectively.

21 **SEC. 5. CODIFICATION OF BECK DECISION.**

22 Section 8 of the National Labor Relations Act (29
 23 U.S.C. 158) is amended by adding at the end the fol-
 24 lowing:

1 “(h) NONUNION MEMBER PAYMENTS TO LABOR OR-
2 GANIZATION.—

3 “(1) IN GENERAL.—It shall be an unfair labor
4 practice for any labor organization which receives a
5 payment from an employee pursuant to an agree-
6 ment that requires employees who are not members
7 of the organization to make payments to such orga-
8 nization in lieu of organization dues or fees not to
9 establish and implement the objection procedure de-
10 scribed in paragraph (2).

11 “(2) OBJECTION PROCEDURE.—The objection
12 procedure required under paragraph (1) shall meet
13 the following requirements:

14 “(A) The labor organization shall annually
15 provide to employees who are covered by such
16 agreement but are not members of the
17 organization—

18 “(i) reasonable personal notice of the
19 objection procedure, the employees eligible
20 to invoke the procedure, and the time,
21 place, and manner for filing an objection;
22 and

23 “(ii) reasonable opportunity to file an
24 objection to paying for organization ex-
25 penditures supporting political activities

1 unrelated to collective bargaining, includ-
2 ing but not limited to the opportunity to
3 file such objection by mail.

4 “(B) If an employee who is not a member
5 of the labor organization files an objection
6 under the procedure in subparagraph (A), such
7 organization shall—

8 “(i) reduce the payments in lieu of or-
9 ganization dues or fees by such employee
10 by an amount which reasonably reflects the
11 ratio that the organization’s expenditures
12 supporting political activities unrelated to
13 collective bargaining bears to such organi-
14 zation’s total expenditures; and

15 “(ii) provide such employee with a
16 reasonable explanation of the organiza-
17 tion’s calculation of such reduction, includ-
18 ing calculating the amount of organization
19 expenditures supporting political activities
20 unrelated to collective bargaining.

21 “(3) DEFINITION.—In this subsection, the term
22 ‘expenditures supporting political activities unrelated
23 to collective bargaining’ means expenditures in con-
24 nection with a Federal, State, or local election or in

- 1 connection with efforts to influence legislation unre-
- 2 lated to collective bargaining.”.