of such document up to, but not exceeding, $1,200 for use of the Committee on Rules and Administration.

AMENDMENTS SUBMITTED

THE BIPARTISAN CAMPAIGN REFORM ACT OF 1997

WELLSTONE AMENDMENT NO. 1277

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill (S. 25) to reform the financing of Federal elections; as follows:

[On page 10 of the bill, strike lines 5 through 8 [Sect. 102(b) Aggregate Contribution Limit for Individual.].

JOHNSON AMENDMENTS NOS. 1278–1279

(Ordered to lie on the table.)

Mr. JOHNSON submitted two amendments intended to be proposed by him to the bill, S. 25, supra; as follows:

AMENDMENT NO. 1278

On page 30, lines 15 and 16, strike ''CONTRIBUTIONS'' and insert ''CONTRIBUTIONS AND EXPENDITURES''.

On page 30, line 17, strike ''Section'' and insert ''(a) CONTRIBUTIONS.—Section''.

On page 31, between lines 2 and 3, insert the following:

(b) EXPENDITURES.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by striking ''$200'' and inserting ''$50''.

On page 37, between lines 9 and 10, insert the following:

SEC. 309. REPORTING REQUIREMENT FOR CERTAIN EXPENDITURES OF CANDIDATES.

(a) REPORTING REQUIREMENT OF COMMITTEE.—SECTION 304(B)(5) OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971 (2 U.S.C. 434(B)(5)) IS AMENDED—

(1) in subparagraph (A), by inserting ''(including, in the case of an expenditure to reimburse candidates or campaign workers, a specific itemization of each reimbursed candidate or worker expenditure in excess of $50 and in the case of an expenditure for air travel, the dates of the trip, each point of departure and arrival, and the identity of the traveler)'' after ''purpose'';

(2) in subparagraph (D), by striking ''and'' at the end;

(3) in subparagraph (E), by inserting ''and'' at the end; and

(4) by adding at the end the following:

''(F) in the case of an expenditure described in subparagraph (A) that is made to a person providing personal or consulting services and is used by such person to make expenditures to other persons (not including employees) who provide goods or services to the candidate or the candidate's authorized committees, the other person, together with the date, amount, and purpose of such expenditure, shall be disclosed;''.

(b) INFORMATION REPORTED TO COMMITTEE.—Section 302 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432) is amended by adding at the end the following:

''(j) A person described in section 304(b)(5)(F) shall maintain records of and provide to a political committee the information necessary for the committee to report the information described in such section.''.

AMENDMENT NO. 1279

On page 11, after line 20, insert the following:

SEC. 104. TREATMENT AS CONTRIBUTION OF UNREIMBURSED COST OF CANDIDATE TRAVEL ON PRIVATE AIRCRAFT.

Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) (as amended by section 205(a)) is amended—

(1) in clause (ii), by striking ''; or'' at the end;

(2) in clause (iii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(iv) in the case of the use of a private aircraft by a candidate or a candidate's authorized committees (other than an aircraft owned by the candidate or the candidate's authorized committees), the unreimbursed cost of such use, determined as the greater of the value of—

''(I) a first-class ticket on a commercial airline for a comparable trip; or

''(II) the fair market value of the use of the private aircraft.''.

REED AMENDMENT NO. 1280

(Ordered to lie on the table.)

Mr. REED submitted an amendment intended to be proposed by him to the bill, S. 25, supra; as follows:

On page 19, after line 23, add the following:

SEC. 204A. CONTRIBUTION LIMIT FOR POLITICAL PARTIES MAKING INDEPENDENT EXPENDITURES.

Section 315(a) of Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended—

(1) in paragraph (1)(B), by striking ''which, in the aggregate, exceed $20,000'' and inserting ''that—

''(i) in the case of a political committee that certifies under subsection (d)(4) that it will not make independent expenditures in connection with the general election campaign of any candidate, in the aggregate, exceed $20,000; or

''(ii) in the case of a political committee that does not certify under subsection (d)(4) that it will not make independent expenditures in connection with the general election campaign of any candidate, in the aggregate, exceed $5,000''; and

(2) in paragraph (2)(B), by striking ''which, in the aggregate, exceed $15,000'' and inserting ''that—

''(i) in the case of a political committee that certifies under subsection (d)(4) that it will not make independent expenditures in connection with the general election campaign of any candidate, in the aggregate, exceed $15,000; or

''(ii) in the case of a political committee that does not certify under subsection (d)(4) that it will not make independent expenditures in connection with the general election campaign of any candidate, in the aggregate, exceed $5,000''.

MCCAIN (AND FEINGOLD) AMENDMENT NO. 1281

(Ordered to lie on the table.)

Mr. MCCAIN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the bill, S. 25, supra; as follows:

On page 53, after line 16, insert the following:

TITLE VII—SENATE VOLUNTARY OPTION

SEC. 701. SENATE VOLUNTARY OPTION.

(a) IN GENERAL.—The Federal Election Campaign Act of 1971 is amended by adding at the end the following:

''TITLE V—VOLUNTARY OPTION FOR SENATE ELECTION CAMPAIGNS

''SEC. 501. DEFINITIONS.

''In this title:

''(1) ELIGIBLE SENATE CANDIDATE.—The term 'eligible Senate candidate' means a candidate who the Commission has certified under section 505 as an eligible primary election Senate candidate or as an eligible general election Senate candidate.

''(2) MULTICANDIDATE POLITICAL COMMITTEE CONTRIBUTION LIMIT.—The term 'multicandidate political committee contribution limit' means, with respect to an eligible Senate candidate, the limit applicable to the candidate under section 502(f).

''(3) OUT-OF-STATE RESIDENT CONTRIBUTION LIMIT.—The term 'out-of-State resident contribution limit' means, with respect to an eligible Senate candidate, the limit applicable to the candidate under section 502(e).

''(4) PERSONAL FUNDS EXPENDITURE LIMIT.—The term 'personal funds expenditure limit' means, with respect to an eligible Senate candidate, the limit applicable to the candidate under section 503(a).

''(5) SMALL STATE.—The term 'small State' means a State with a voting age population not in excess of 1,500,000.

''SEC. 502. ELIGIBLE SENATE CANDIDATES.

''(a) IN GENERAL.—A candidate is—

''(1) an eligible primary election Senate candidate if the Commission certifies under section 505 that the candidate—

''(A) has met the primary election filing requirement of subsection (b); and

''(B) has met the threshold contribution requirement of subsection (d); and

''(2) an eligible general election Senate candidate if the Commission certifies under section 505 that the candidate—

''(A) has met the general election filing requirement of subsection (c); and

''(B) has been certified as an eligible primary election Senate candidate.

''(b) PRIMARY ELECTION FILING REQUIREMENT.—

''(1) IN GENERAL.—The requirement of this subsection is met if the candidate files with the Commission a declaration that the candidate and the candidate's authorized committees—

''(A) will not exceed the personal funds expenditure limit; and

''(B) will not accept contributions for the primary election, any runoff election, or the general election that would cause the candidate to exceed the out-of-State resident contribution limit or the multicandidate political committee contribution limit.

''(2) DEADLINE FOR FILING PRIMARY ELECTION DECLARATION.—The declaration under paragraph (1) shall be filed not later than the date on which the candidate files with the appropriate State officer as a candidate for the primary election.

''(c) GENERAL ELECTION FILING REQUIREMENT.—

''(1) IN GENERAL.—The requirement of this subsection is met if the candidate files with the Commission—

''(A) a declaration, with such supporting documentation as the Commission may require, that—

''(i) the candidate and the candidate's authorized committees—

''(I) did not exceed the personal funds expenditure limit; and

''(II) did not accept contributions for the primary election or any runoff election that caused the candidate to exceed the out-of-State resident contribution limit or the multicandidate political committee contribution limit; and

''(ii) the candidate has met the threshold contribution requirement of subsection (d), as demonstrated by documents accompanying the declaration under subsection (b) or the declaration under this subsection; and

''(B) a declaration that the candidate and the candidate's authorized committees—

''(i) will not make expenditures in excess of the personal funds expenditure limit; and

''(ii) will not accept any contribution for the general election to the extent that the contribution would cause the candidate to exceed the out-of-State resident contribution limit or the multicandidate political committee contribution limit.

''(2) DEADLINE FOR FILING GENERAL ELECTION DECLARATION.—The declaration under paragraph (1) shall be filed not later than 7 days after the earlier of—

''(A) the date on which the candidate qualifies for the general election ballot under State law; or

''(B) if under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date on which the candidate wins the primary or runoff election.

''(d) THRESHOLD CONTRIBUTION REQUIREMENT.—

''(1) IN GENERAL.—The requirement of this subsection is met—

''(A) if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount not less than—

''(i) $100,000 in the case of a candidate seeking election in a small State; or

''(ii) $250,000 in the case of any other candidate; and

''(B) the candidate files with the Commission a statement under penalty of perjury that the requirement of subparagraph (A) has been met, with supporting materials demonstrating that the requirement has been met.

''(2) DEFINITIONS.—In this subsection:

''(A) ALLOWABLE CONTRIBUTION.—

''(i) IN GENERAL.—The term 'allowable contribution' means a contribution that is made as a gift of money by an individual pursuant to a written instrument identifying the individual as the contributor.

''(ii) EXCLUSIONS.—The term 'allowable contribution' does not include a contribution from—

''(I) an individual residing outside the candidate's State to the extent that acceptance of the contribution would bring a candidate out of compliance with subsection (e);

''(II) a multicandidate political committee to the extent that acceptance of the contribution would bring the candidate out of compliance with subsection (f); or

''(III) a source described in section 503(a)(2).

''(B) APPLICABLE PERIOD.—The term 'applicable period' means—

''(i) the period beginning on January 1 of the calendar year preceding the calendar year of a general election and ending on the date on which the declaration under subsection (b) is filed by the candidate; or

''(ii) in the case of a special election for the office of United States Senator, the period beginning on the date on which the vacancy in the office occurs and ending on the date of the general election.

''(e) OUT-OF-STATE RESIDENT CONTRIBUTION LIMIT.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—The requirement of this subsection is met if more than 50 percent of the total amount of contributions accepted by the candidate and the candidate's authorized committees are from individuals who are legal residents of the candidate's State.

''(B) SPECIAL RULE FOR SMALL STATES.—In the case of a candidate seeking election in a small State, the requirement of this subsection is met if, at the option of the candidate—

''(i) more than 50 percent of the total amount of contributions accepted by the candidate and the candidate's authorized committees are from individuals who are legal residents of the candidate's State; or

''(ii) more than 50 percent of the number of individuals whose names are reported to the Commission as individuals from whom the candidate and the candidate's authorized committees accept contributions are legal residents of the candidate's State.

''(2) PERSONAL FUNDS.—For purposes of paragraph (1), amounts consisting of funds from sources described in section 503(a)(2) shall be treated as contributions from individuals residing outside the candidate's State.

''(3) TIME FOR MEETING REQUIREMENT.—The requirements of paragraph (1) must be met by an eligible Senate candidate as of the close of each reporting period under section 304.

''(4) REPORTING REQUIREMENTS.—In addition to information required to be reported under section 304, a candidate that elects to comply with the requirements of paragraph (1)(B)(ii) shall include in each report required to be filed under section 304 the name and address of and the amount of contributions made by each individual that, during the calendar year in which the reporting period occurs, makes contributions aggregating $20 or more.

''(f) MULTICANDIDATE POLITICAL COMMITTEE CONTRIBUTION LIMIT.—The requirement of this subsection is met if the candidate and the candidate's authorized committees do not accept, for use in connection with a primary, runoff, or general election, a contribution from a multicandidate political committee, to the extent that the making or accepting of the contribution would cause the aggregate amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed 25 percent of the aggregate contributions received by such candidate and committees from all sources.

''SEC. 503. PERSONAL FUNDS EXPENDITURE LIMIT.

''(a) LIMIT.—

''(1) IN GENERAL.—The amount of expenditures that may be made by an eligible Senate candidate or the candidate's authorized committees in connection with a primary, runoff, or general election of the candidate from the source described in paragraph (2) shall not exceed, in aggregate for each such election—

''(A) in the case of an eligible Senate candidate seeking election in a small State, $25,000 per election; or

''(B) in the case of any other eligible Senate candidate, $50,000 per election.

''(2) SOURCES.—A source is described in this paragraph if the source is—

''(A) personal funds of the candidate and members of the candidate's immediate family; or

''(B) proceeds of indebtedness incurred by the candidate or a member of the candidate's immediate family.

''(b) NOTICE OF FAILURE TO COMPLY WITH REQUIREMENTS.—A candidate who filed a declaration under section 502 and subsequently acts in a manner that is inconsistent with any of the statements made in the declaration shall, not later than 24 hours after the first of the acts—

''(1) file with the Commission a notice describing those acts; and

''(2) notify all other candidates for the same office by sending a copy of the notice by certified mail, return receipt requested.

''SEC. 504. BENEFIT FOR ELIGIBLE CANDIDATES.

''An eligible Senate candidate shall be entitled to the broadcast media rates provided under section 315(b) of the Communications Act of 1934.

''SEC. 505. CERTIFICATION BY COMMISSION.

''(a) IN GENERAL.—The Commission shall determine whether a candidate has met the requirements of this title and, based on the determination, issue a certification stating whether the candidate is an eligible Senate candidate entitled to receive benefits under this title.

''(b) CERTIFICATION.—

''(1) PRIMARY ELECTION.—Not later than 7 business days after a candidate files a declaration under section 502(b), the Commission shall determine whether the candidate meets the eligibility requirements of section 502(b)(1) and, if so, certify that the candidate is an eligible primary election Senate candidate entitled to receive a benefit under this title.

''(2) GENERAL ELECTION.—Not later than 7 business days after a candidate files a declaration under section 502(c), the Commission shall determine whether the candidate meets the eligibility requirement of section 502(c)(1), and, if so, certify that the candidate is an eligible general election Senate candidate entitled to receive a benefit under this title.

''(c) REVOCATION.—

''(1) IN GENERAL.—The Commission shall revoke a certification under subsection (a), based on information submitted in such form and manner as the Commission may require or on information that comes to the Commission by other means, if the Commission determines that a candidate fails to continue to meet the requirements of this title.

''(2) NO FURTHER BENEFIT.—A candidate whose certification has been revoked shall be ineligible for any further benefit made available under this title for the duration of the election cycle.

''(d) DETERMINATIONS BY COMMISSION.—A determination (including a certification under subsection (a)) made by the Commission under this title shall be final, except to the extent that the determination is subject to examination and audit by the Commission under section 506 and to judicial review.

''SEC. 506. PENALTIES.

''(a) MISUSE OF BENEFITS.—If the Commission revokes the certification of an eligible Senate candidate, the Commission shall so notify the candidate, and the candidate shall pay to the provider of any benefit received by the candidate under this title an amount equal to the difference between the amount the candidate paid for such benefit and the amount the candidate would have paid for the benefit if the candidate were not an eligible Senate candidate.

''(b) CIVIL PENALTIES FOR EXCEEDING LIMITS.—Any eligible Senate candidate who makes expenditures in excess of the personal funds expenditure limit, or receives contributions in excess of the out-of-State resident contribution limit or the multicandidate political committee contribution limit, shall pay to the Commission as a civil penalty an amount equal to—

''(1) the amount of the excess if the excess does not exceed 5 percent of the limit,

''(2) 3 times the amount of the excess if the excess exceeds 5 percent but does not exceed 10 percent of the limit, and

''(3) if the excess exceeds 10 percent of the limit, the sum of 3 times the amount of the excess plus a civil penalty to be imposed pursuant to section 309.''

(b) EXPENDITURES MADE BEFORE EFFECTIVE DATE.—An expenditure shall not be counted as an expenditure for purposes of the expenditure limits contained in the amendment made by subsection (a) if the expenditure is made before the date that is 60 days after the date of enactment of this Act.

SEC. 702. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking ''(b) The charges'' and inserting the following:

''(b) BROADCAST MEDIA RATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the charges'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(3) in paragraph (1)(A) (as redesignated by paragraph (2))—

(A) by striking ''forty-five'' and inserting ''30''; and

(B) by striking ''lowest unit charge of the station for the same class and amount of time for the same period'' and inserting ''lowest charge of the station for the same amount of time for the same period on the same date''; and

(4) by adding at the end the following:

''(2) SENATE CANDIDATES.—

''(A) ELIGIBLE SENATE CANDIDATES.—In the case of an eligible Senate candidate (as defined in section 501 of the Federal Election Campaign Act), the charges for the use of a television broadcasting station during the 30-day period and 60-day period referred to in paragraph (1)(A) shall not exceed 50 percent of the charge described in paragraph (1)(B).

''(B) NONELIGIBLE SENATE CANDIDATES.—In the case of a candidate for the United States Senate who is not an eligible Senate candidate, paragraph (1)(A) shall not apply.''.

(b) PREEMPTION; ACCESS.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) PREEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1)(A), of a broadcasting station by an eligible Senate candidate who has purchased and paid for such use pursuant to subsection (b)(2).

''(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.''.

(c) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking ''or repeated'';

(2) by inserting ''or cable system'' after ''broadcasting station''; and

(3) by striking ''his candidacy'' and inserting ''the candidacy of the candidate, under the same terms, conditions, and business practices as apply to the most favored advertiser of the licensee''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 703. REPORTING REQUIREMENT FOR ELIGIBLE SENATE CANDIDATES.

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

(1) by striking ''and'' at the end of subparagraph (J);

(2) by striking the period at the end of subparagraph (K) and inserting ''; and''; and

(3) by adding at the end the following:

''(L) in the case of an eligible Senate candidate, the total amount of contributions from individuals who are residents of the State in which the candidate seeks office.''.

ASHCROFT AMENDMENT NO. 1282

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the bill, S. 25, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENT TO THE CONSTITUTION ALLOWING STATES TO LIMIT THE PERIOD OF TIME UNITED STATES SENATORS AND REPRESENTATIVES MAY SERVE.

The following article is hereby proposed as an amendment to the Constitution of the United States:

''ARTICLE—

''SECTION 1. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected or appointed to the Senate of the United States.

''SECTION 2. Each State or the people thereof may prescribe the maximum number of terms to which a person may be elected to the House of Representatives of the United States.

''SECTION 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.''.

JEFFORDS AMENDMENT NO. 1283

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill, S. 25, supra; as follows:

Beginning on page 17, strike line 7 and all that follows through page 19, line 8 and insert the following:

Section 304(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking the undesignated matter after subparagraph (C); and

(2) by adding at the end the following:

''(4) TIME FOR REPORTING CERTAIN INDEPENDENT EXPENDITURES.—

''(A) IN GENERAL.—A person that makes or obligates to make an aggregate amount of independent expenditures equal to or greater than $5,000 shall file a statement with the Commission—

''(i) in the case of expenditures made within 90 days before the date of the general election of the candidate the expenditure is made in connection with, 14 days before the expenditure is made; and

''(ii) in the case of expenditures made during any other time, within 48 hours after the expenditure is made or obligated to be made.

''(B) ADDITIONAL STATEMENTS.—An additional statement shall be filed not later than 48 hours after each additional amount of expenditures is made or obligated to be made in an aggregate amount equal to or greater than $5,000.

''(C) CONTENTS.—A statement under this paragraph shall contain the information required under paragraph (2)(A).

''(D) PLACE OF FILING; TRANSMISSION.—

''(i) PLACE OF FILING.—A statement under this paragraph shall be filed with the Secretary of the Senate or the Clerk of the House of Representatives, and the Secretary of the State of the State involved, as appropriate.

''(ii) TRANSMISSION.—Not later than 24 hours after receipt of a statement, the Secretary of the Senate or Clerk of the House of Representatives shall transmit the statement to the Commission and the Commission shall, not later than 48 hours after the receipt of the statement, transmit the statement to the candidate involved.

''(E) DETERMINATION.—

''(i) IN GENERAL.—The Commission may make a determination whether independent expenditures described in subparagraph (A) have been made or obligated to be made.

''(ii) NOTIFICATION OF CANDIDATES.—Not later than 24 hours after a determination is made under clause (i), the Commission shall notify the candidate involved in the expenditure of such determination.''.

SANTORUM AMENDMENT NO. 1284

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, S. 25, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SENSE OF THE CONGRESS.

It is the sense of the Congress that because legal permanent residents of the United States are protected by the Constitution, the residents have the right under the First Amendment to legally express themselves through expenditures and contributions that affect the political and electoral process.

SEC. 2. VOTER EMPOWERMENT BY INCREASE AND INDEXING OF CONTRIBUTION LIMITS.

(a) INCREASE IN INDIVIDUAL CONTRIBUTION LIMITS.—Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

''(A)(i) to a local candidate (as defined in paragraph (9)) and the candidate's authorized committees with respect to any election for Federal office that, in the aggregate, exceed $4,000; and

''(ii) to a non-local candidate and the candidate's authorized committees with respect to any election for Federal office that, in the aggregate, exceed $1,000;'';

(B) in subparagraph (B), by striking ''$20,000'' and inserting ''$60,000''; and

(C) in subparagraph (C), by striking ''$5,000'' and inserting ''$15,000''; and

(2) in paragraph (3)—

(A) by striking ''$25,000'' and inserting ''$75,000''; and

(B) by striking the second sentence.

(b) DECREASE IN PAC CONTRIBUTION LIMIT.—Section 315(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)(A)) is amended by striking ''$5,000'' and inserting ''$4,000''.

(c) DEFINITION OF LOCAL CANDIDATE.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

''(9) LOCAL CANDIDATE.—In subsection (a), the term 'local candidate' means a candidate seeking nomination for election to, or election to, the Senate or the House of Representatives for the State in which the principal residence (as this term is used in section 121 the Internal Revenue Code of 1986) of the contributor is located.''.

(d) INDEXING LIMITS.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in paragraph (1), by striking ''subsection (b) and subsection (d)'' and inserting ''subsections (a), (b), and (d)''; and

(2) in paragraph (2)(B), by striking ''means the calendar year 1974.'' and inserting ''means—

''(i) for purposes of subsections (b) and (d), calendar year 1974; and

''(ii) for purposes of subsection (a), calendar year 1997.''.

SEC. 3. POLITICAL COMMITTEE EXPENDITURE REFORM.

(a) POLITICAL PARTY COMMITTEE EXPENDITURES.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by striking subsection (d) and inserting the following:

''(d) POLITICAL PARTIES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee of a political party and a State committee of a political party, including any subordinate committee of a State committee, may make expenditures in connection with the general election campaign of candidates for Federal office.

''(2) TREATMENT OF EXPENDITURES.—An expenditure made under paragraph (1) shall not be treated as a contribution to or expenditure made by the candidate in connection with whom the expenditure is made for any purpose.''.

(b) INCREASE IN PAC CONTRIBUTION LIMITS.—Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (B), by striking ''$15,000'' and inserting ''$45,000''; and

(2) in subparagraph (C), by striking ''$5,000'' and inserting ''$15,000''.

(c) DEFINITION OF EXPRESS ADVOCACY.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended—

(1) by striking paragraph (17) and inserting the following:

''(17) INDEPENDENT EXPENDITURE.—

''(A) IN GENERAL.—The term 'independent expenditure' means an expenditure that—

''(i) contains express advocacy; and

''(ii) is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and that is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.''; and

(2) by adding at the end the following:

''(20) EXPRESS ADVOCACY.—The term 'express advocacy' includes a communication that conveys a message that advocates the election or defeat of a clearly identified candidate by using an expression such as 'vote for,' 'elect,' 'support,' 'vote against,' 'defeat,' 'reject,' '(name of candidate) for Congress,' 'vote pro-life,' or 'vote pro-choice,' accompanied by a listing or picture of a clearly identified candidate described as 'pro-life' or 'pro-choice,' 'reject the incumbent,' or a similar expression.''.

SEC. 4. INCREASED DISCLOSURE.

(a) CLARIFICATION OF DEFINITION OF COOPERATION OR CONSULTATION.—Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) (as amended by section 3(c)) is amended by adding at the end the following:

''(B) COOPERATION OR CONSULTATION.—The term 'cooperation or consultation' does not include a consultation solely for the purpose of determining the factual accuracy of information about the candidate to be used in connection with a voter guide or information about a voting record (as those terms are defined in regulation by the Commission).''.

(b) MONTHLY REPORTING.—Section 304(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''Senate'' and inserting ''Senate or political committee of a national party'';

(2) in subparagraph (A) by striking ''the following reports:'' and all that follows and inserting ''a monthly report, that shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month; and''; and

(3) in subparagraph (B)—

(A) by striking ''(i)'' and inserting ''(i)(I) in the case of a principal campaign committee of a candidate,'';

(B) by redesignating clause (ii) as subclause (II);

(C) in clause (i)(II), as redesignated by clause (ii), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(ii) in the case of a political committee of a national party, reports shall be filed under paragraph (4)(A)(iv).''.

SEC. 5. FEDERAL ELECTION COMMISSION REFORM.

(a) INCREASE IN PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.—Section 309(a)(5)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(B)) is amended by striking ''the greater of $10,000 or an amount equal to 200 percent'' and inserting ''the greater of $15,000 or an amount equal to 300 percent''.

(b) ATTORNEY'S FEES.—Section 309(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 4437g(a)(8)) is amended by adding at the end the following:

''(D) In any proceeding under this paragraph in which the defendant substantially prevails on substantive grounds, the court may, in addition to any judgment awarded to the defendant, allow reasonable attorney's fees and other costs of the civil action.''.

SEC. 6. RIGHTS OF EMPLOYEES RELATING TO THE PAYMENT AND USE OF LABOR ORGANIZATION DUES.

(a) PAYMENT OF DUES.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''membership'' and all that follows and inserting the following: ''the payment to a labor organization of dues or fees related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation as a condition of employment as authorized in section 8(a)(3).''.

(2) UNFAIR LABOR PRACTICES.—Section 8(a)(3) of the National Labor Relations Act (29 U.S.C. 158(a)(3)) is amended by striking ''membership therein'' and inserting ''the payment to such labor organization of dues or fees related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation''.

(b) REQUIREMENTS FOR USE OF DUES FOR CERTAIN PURPOSES.—

(1) WRITTEN AGREEMENT.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

''(h)(1) An employee subject to an agreement between an employer and a labor organization requiring the payment of dues or fees to such organization as authorized in subsection (a)(3) may not be required to pay to such organization, nor may such organization accept payment of, any dues or fees not related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation unless the employee has agreed to pay such dues or fees in a signed written agreement that shall be renewed between the first day of September and the first day of October of each year.

''(2) Such signed written agreement shall include a ratio, certified by an independent auditor, of the dues or fees related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation and the dues or fees related to other purposes.''.

(2) WRITTEN ASSIGNMENT.—Section 302(c)(4) of the Labor Management Relations Act, 1947 (29 U.S.C. 186) is amended by inserting before the semicolon the following: '': *Provided further,* That no amount may be deducted for dues unrelated to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation unless a written assignment authorizes such a deduction''.

(c) NOTICE TO EMPLOYEES RELATING TO THE PAYMENT AND USE OF DUES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) (as amended by subsection (b)(1)) is amended by adding at the end the following:

''(i)(1) An employer shall post a notice that informs the employees of their rights under section 7 of this Act and clarifies to such employees that an agreement requiring the payment of dues or fees to a labor organization as a condition of employment as authorized in subsection (a)(3) may only require that employees pay to such organization any dues or fees related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation. A copy of such notice shall be provided to each employee not later than 10 days after the first day of employment.

''(2) The notice described in paragraph (1) shall be of such size and in such form as the Board shall prescribe and shall be posted in conspicuous places in and about the plants and offices of such employer, including all places where notices to employees are customarily posted.''.

(d) EMPLOYEE PARTICIPATION IN THE AFFAIRS OF A LABOR ORGANIZATION.—Section 8(b)(1) of the National Labor Relations Act (29 U.S.C. 158(b)(1)) is amended by striking ''therein;'' and inserting the following: ''therein, except that, an employee who is subject to an agreement between an employer and a labor organization requiring as a condition of employment the payment of dues or fees to such organization as authorized in subsection (a)(3) and who pays such dues or fees shall have the same right to participate in the affairs of the organization related to collective bargaining, contract administration, or grievance adjustment as any member of the organization;''.

(e) DISCLOSURE TO EMPLOYEES.—

(1) EXPENSES REPORTING.—Section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(b)) is amended by adding at the end the following: ''Every labor organization shall be required to attribute and report expenses by function classification in such detail as necessary to allow the members of such organization or the employees required to pay any dues or fees to such organization to determine whether such expenses were related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation or were related to other purposes.''.

(2) REPORT INFORMATION.—Section 201(c) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(c)) is amended—

(A) by inserting ''and employees required to pay any dues or fees to such organization'' after ''members'';

(B) by striking ''suit of any member of such organization'' and inserting ''suit of any member of such organization or employee required to pay any dues or fees to such organization''; and

(C) by striking ''such member'' and inserting ''such member or employee''.

(3) REGULATIONS.—The Secretary of Labor shall promulgate a regulation as necessary to carry out the amendments made by this subsection not later than 120 days after the date of enactment of this Act.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act, except that the requirements contained in the amendments made by subsections (b) and (c) shall take effect 60 days after the date of enactment of this Act.

SEC. 7. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.

Section 607 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''or donation of money or anything else of value made by any person to a national committee of a political party'' after ''Act of 1971''; and

(2) in subsection (b)—

(A) by inserting ''or donations'' after ''contributions'' each place it appears;

(B) by inserting ''or donation'' after ''contribution''; and

(C) by inserting ''donator'' after ''contributor''.

SEC. 8. LIMIT ON USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6) of title 39, United States Code, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''Congress may not'' and inserting ''the House of Representatives may not''; and

(B) in clause (i), by striking ''60 days (or, in the case of a Member of the House, fewer than 90 days)'' and inserting ''90 days''; and

(2) by striking subparagraph (C) and inserting the following:

''(C)(i) A Member of the Senate shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that office in that year.

''(ii) A Member of the Senate shall not mail any mass mailing as franked mail if the mass mailing is postmarked fewer than 60 days before the date of any primary election or general election (whether regular, special, or runoff) for any national, State, or local office in which the Member is a candidate for election.''.

SEC. 9. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall apply to elections occurring and filing periods beginning after December 31, 1998.

SNOWE AMENDMENT NO. 1285

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to amendment No. 1258 proposed by Mr. LOTT to the bill, S. 25, supra; as follows:

In lieu of the matter proposed to be inserted, insert:

___. REQUIREMENTS TO ENSURE EXPENDITURES OF CORPORATIONS AND EXEMPT ORGANIZATIONS FOR POLITICAL PURPOSES ARE VOLUNTARY.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

''(c) RESTRICTIONS ON THE REVENUES OF NATIONAL BANKS AND CORPORATIONS AND DUES OF EXEMPT ORGANIZATIONS USED FOR POLITICAL ACTIVITIES.—

''(1) IN GENERAL.—Except as provided in this subsection, it shall be unlawful—

''(A) for any national bank or corporation described in this section to use for political activities any portion of any revenues or amounts received from any shareholder or employee; or

''(B) for any organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (other than an organization described in section 501(c)(3) of such Code) to use for political activities any portion of any dues, initiation fee, or other payment collected or assessed from any member or nonmember of such organization.

''(2) REQUIREMENTS.—

''(A) NOTICE.—Each bank, corporation, or organization described in paragraph (1) which seeks to make any disbursements for any political activities from dues, initiation fees, or other payments shall—

''(i) provide to each individual a statement of such dues, fee, or other payment before the period to which such dues, fee, or payment applies, and

''(ii) include with each such statement a written notice which includes—

''(I) a reasonable estimate of the budget for such political activities,

''(II) a detailed itemization of all amounts disbursed for political activities in the 2 previous years,

''(III) a reasonable estimate of the dollar amount of the dues, fee, or payment which is to used for such political activities, and

''(IV) a space for the individual to check off that the individual does or does not consent to the expenditure of any portion of such dues, fee, or payment for political activities.

The period covered by any statement shall not exceed 12 months.

''(B) LIMITATION ON AMOUNT.—

''(i) IN GENERAL.—An organization required to provide notice under subparagraph (A) shall not make disbursements for political activities for the period covered by such notice in an amount greater than the amount which bears the same ratio to the amount of such disbursements estimated in the notice as the percentage of individuals consenting to such disbursements under subparagraph (A)(ii)(IV) bears to the total number of individuals making payment of such dues, fees, or other payments.

''(ii) SPECIAL RULE.—If such consent is not provided, no portion of such dues, fees, or payments shall be used for political activities.

''(C) AVAILABILITY OF RECORDS.—An organization required to provide notice under subparagraph (A) shall make available to any affected members and nonmembers of the organization at the organization's main office any records on which the information required under subparagraph (A) is based.

''(d) CORPORATE SHAREHOLDERS MUST CONSENT TO DISBURSEMENTS FOR POLITICAL ACTIVITIES FROM FUNDS.—

''(1) IN GENERAL.—Except as provided in this subsection, it shall be unlawful for a corporation to which this section applies to make a disbursement to fund political activities.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Any corporation described in paragraph (1) which seeks to make disbursements for political activities during any 12-month period shall, in advance of such period, transmit to each of its shareholders a written notice which includes—

''(i) a reasonable estimate of the budget for such political activities,

''(ii) a detailed itemization of all amounts disbursed for political activities for the previous 2 years,

''(iii) the method by which a shareholder may vote (at its annual meeting or by proxy in connection with the meeting) to approve or disapprove of such disbursements.

''(B) LIMITATION ON AMOUNT.—

''(i) IN GENERAL.—A corporation required to provide notice under subparagraph (A) shall not make disbursements for political activities for the period covered by such notice in an amount greater than the amount which bears the same ratio to the amount of such disbursements estimated in the notice as the percentage of shares voted at an annual meeting to approve such disbursements bears to the total number of shares voted with respect to such issue.

''(ii) SPECIAL RULE.—If a shareholder votes by proxy with respect to 1 or more issues to be considered at an annual meeting but does not vote by proxy with respect to the issue of disbursement of funds for political activities, the shareholder shall be treated as having voted to disapprove such disbursements.

''(e) POLITICAL ACTIVITIES.—For purposes of subsections (c) and (d), the term 'political activities' means communications or other activities which involve donations to, or participation or intervention in, any political campaign or political party, including—

''(1) any activity described in subparagraph (A), (B), or (C) of subsection (b)(2), and

''(2) any communication that attempts to influence legislation or public policy.''

(b) DISCLOSURE OF CERTAIN EXPENDITURES.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended—

(1) in section 301(9)(B)(iii), by striking ''Federal office, except'' and all that follows through the semicolon and inserting ''Federal office;''; and

(2) in section 316(b)(2), by inserting at the end the following flush sentence:

''Disbursements made for activities described in subparagraphs (A), (B), and (C) shall be reported to the Commission in accordance with clauses (i) and (ii) of section 304(a)(4)(A).''.

(c) EFFECTIVE DATE.—This section shall take effect upon enactment of this Act.

DODD AMENDMENT NO. 1286

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 25, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the Federal Election Commission (referred to in this section as the ''Commission'') was created in the wake of the Watergate scandal to ensure the integrity of Federal elections by overseeing Federal election disclosure and enforcing Federal election law;

(2) maintaining and improving the strength and effectiveness of the Commission is essential to the integrity of the Federal election system;

(3) the growing volume of financial activity in election campaigns and the sharply increasing number of cases regarding potential violations of Federal election law make it increasingly difficult for the Commission to fulfill its watchdog role;

(4) between 1994 and November, 1996, the Commission's caseload rose 36 percent in the six months leading up to the elections, and because complaints relating to the 1996 Federal elections are still being filed, the Commission expects the caseload to ultimately rise by 52 percent;

(5) As of August 30, 1997, the Commission has been only able to actually work on 88 complaints of the total 262 cases pending;

(6) with this great increase in its workload the Commission's budget has not increased by an amount necessary to allow it to hire staff to fulfill its duties;

(7) the proposed appropriations for the Commission for the next fiscal year will not allow the Commission to hire additional investigative or enforcement staff; and

(8) the combination of a decreasing budget and an increasing workload have severely impaired the Commission's ability to fulfill its role.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should provide the Federal Election Commission with sufficient resources and authority to allow it to

fulfill its duties in a timely and effective manner.

JEFFORDS AMENDMENT NO. 1287

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to an amendment proposed by Mr. LOTT to the bill, S. 25, supra; as follows:

In lieu of the matter proposed to be inserted, insert:

. REQUIREMENTS TO ENSURE EXPENDITURES OF CORPORATIONS AND EXEMPT ORGANIZATIONS FOR POLITICAL PURPOSES ARE VOLUNTARY.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following:

''(c) RESTRICTIONS ON THE REVENUES OF NATIONAL BANKS AND CORPORATIONS AND DUES OF EXEMPT ORGANIZATIONS USED FOR POLITICAL ACTIVITIES.—

''(1) IN GENERAL.—Except as provided in this subsection, it shall be unlawful—

''(A) for any national bank or corporation described in this section to use for political activities any portion of any revenues or amounts received from any shareholder or employee; or

''(B) for any organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (other than an organization described in section 501(c)(3) of such Code) to use for political activities any portion of any dues, initiation fee, or other payment collected or assessed from any member or nonmember of such organization.

''(2) REQUIREMENTS.—

''(A) NOTICE.—Each bank, corporation, or organization described in paragraph (1) which seeks to make any disbursements for any political activities from dues, initiation fees, or other payments shall—

''(i) provide to each individual a statement of such dues, fee, or other payment before the period to which such dues, fee, or payment applies, and

''(ii) include with each such statement a written notice which includes—

''(I) a reasonable estimate of the budget for such political activities,

''(II) a detailed itemization of all amounts disbursed for political activities in the 2 previous years,

''(III) a reasonable estimate of the dollar amount of the dues, fee, or payment which is to be used for such political activities, and

''(IV) a space for the individual to check off that the individual does or does not consent to the expenditure of any portion of such dues, fee, or payment for political activities.

The period covered by any statement shall not exceed 12 months.

''(B) LIMITATION ON AMOUNT—

''(i) IN GENERAL.—An organization required to provide notice under subparagraph (A) shall—(i) not make disbursements for political activities for the period covered by such notice in an amount greater than the amount which bears the same ratio to the amount of such disbursements estimated in the notice as the percentage of individuals consenting to such disbursements under subparagraph (A)(ii)(IV) bears to the total number of individuals making payment of such dues, fees, or other payments, and

''(ii) with respect to each individual who does not consent to such disbursements under subparagraph (A)(ii)(IV), either—

''(I) not collect from the individual the dollar amount of the dues, fee, or other payment which was used for such disbursement, or

''(II) refund to the individual an amount equal to such dollar amount.

''(iii) SPECIAL RULE.—If such consent is not provided, no portion of such dues, fees, or payments shall be used for political activities.

''(C) AVAILABILITY OF RECORDS.—An organization required to provide notice under subparagraph (A) shall make available to any affected members and nonmembers of the organization at the organization's main office any records on which the information required under subparagraph (A) is based.

''(d) CORPORATE SHAREHOLDERS MUST CONSENT TO DISBURSEMENTS FOR POLITICAL ACTIVITIES FROM FUNDS.—

''(1) IN GENERAL.—Except as provided in this subsection, it shall be unlawful for a corporation to which this section applies to make a disbursement to fund political activities.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Any corporation described in paragraph (1) which seeks to make disbursements for political activities during any 12-month period shall, in advance of such period, transmit to each of its shareholders a written notice which includes—

''(i) a reasonable estimate of the budget for such political activities,

''(ii) a detailed itemization of all amounts disbursed for political activities for the previous 2 years,

''(iii) the method by which a shareholder may vote (at its annual meeting or by proxy in connection with the meeting) to approve or disapprove of such disbursements.

''(B) LIMITATION ON AMOUNT.—

''(i) IN GENERAL.—A corporation required to provide notice under subparagraph (A) shall not make disbursements for political activities for the period covered by such notice in an amount greater than the amount which bears the same ratio to the amount of such disbursements estimated in the notice as the percentage of shares voted at an annual meeting to approve such disbursements bears to the total number of shares voted with respect to such issue.

''(ii) SPECIAL RULE.—If a shareholder votes by proxy with respect to 1 or more issues to be considered at an annual meeting but does not vote by proxy with respect to the issue of disbursement of funds for political activities, the shareholder shall be treated as having voted to disapprove such disbursements.

''(e) POLITICAL ACTIVITIES.—For purposes of subsections (c) and (d), the term 'political activities' means communications or other activities which involve donations to, or participation or intervention in, any political campaign or political party, including—

''(1) any activity described in subparagraph (A), (B), or (C) of subsection (b)(2), and

''(2) any communication that attempts to influence legislation or public policy.''

(b) DISCLOSURE OF CERTAIN EXPENDITURES.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended—

(1) in section 301(9)(B)(iii), by striking ''Federal office, except'' and all that follows through the semicolon and inserting ''Federal office;''; and

(2) in section 316(b)(2), by inserting at the end the following flush sentence:

''Disbursements made for activities described in subparagraphs (A), (B), and (C) shall be reported to the Commission in accordance with clauses (i) and (ii) of section 304(a)(4)(A).''.

(c) EFFECTIVE DATE.—This section shall take effect upon enactment of this Act.

CHAFEE AMENDMENTS NOS. 1288–1289

(Ordered to lie on the table.)

Mr. CHAFEE submitted two amendments intended to be proposed by him to the bill, S. 25, supra; as follows:

AMENDMENT NO. 1288

Beginning on page 11, strike line 4 and all that follows through page 25, line 12 and insert the following:

TITLE II—INDEPENDENT EXPENDITURES

SEC. 201. TREATMENT OF CERTAIN DISBURSEMENTS AS INDEPENDENT EXPENDITURES.

(a) TREATMENT OF CERTAIN DISBURSEMENTS AS INDEPENDENT EXPENDITURES.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) (as amended by section 507) is amended by adding at the end the following:

''SEC. 327. TREATMENT OF CERTAIN DISBURSEMENTS AS INDEPENDENT EXPENDITURES

''(a) FINDINGS.—Congress finds that—

''(1) a broadcast, advertisement, pamphlet, or other communication that identifies a candidate, and that is made during the 24-month period preceding the date of a general election, will almost inevitably influence the outcome of the election for the office sought by the candidate;

(2) likewise, a communication that identifies a political party, and that is made during that period, will almost inevitably influence the outcome of elections for all candidates of that party; and

(3) the United States has an important interest in protecting the integrity of the political and electoral process and ensuring adequate disclosure from all persons that influence the outcome of Federal elections.

''(b) IN GENERAL.—A disbursement that is made by any person to pay for a communication to the general public, or by a national bank, corporation, or labor organization to pay for a communication to its officers, employees, or members, shall be treated as an independent expenditure for purposes of section 304 if the communication—

''(1) is made during the 24-month period before the date of a general election for Federal office;

''(2)(A) contains the image or likeness of, mentions the name of, or otherwise expressly or by fair implication refers to a candidate for Federal office in that election; or

''(B) contains the name or symbol of, mentions the name of, or otherwise expressly or by fair implication refers to a political party of which any person is a candidate for Federal office in that election; and

''(3) is paid for and made without coordination with a candidate or a candidate's authorized committees.''.

''(b) CONFORMING AMENDMENT.—Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by striking ''The term'' and inserting ''Subject to section 327, the term''.

AMENDMENT NO. 1289

Beginning on page 45, strike line 8 and all that follows through page 46, line 9.

Beginning on page 49, strike line 9 and all that follows through page 50, line 13.

MOSELEY-BRAUN AMENDMENTS NOS. 1290–1293

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted four amendments intended to be proposed by her to the bill, S. 25, supra; as follows:

AMENDMENT NO. 1290

At the appropriate place, insert the following:

SEC. . LIMITATION ON USE OF CANDIDATE'S PERSONAL FUNDS IN CONNECTION WITH CANDIDATE'S ELECTION.

(a) FINDINGS.—Congress finds that—

(1) a broad range of support through financial participation in the election process is

an important component of the democratic process;

(2) candidates are often forced to spend a large amount of funds on their election campaign because other candidates in the same election spend a large amount of funds;

(3) excess expenditures in an election campaign is wasteful and potentially destructive to the democratic process; and

(4) the limitation of contributions by candidates using personal funds can help reduce the level of spending in connection with a Federal election.

(b) LIMITATION ON USE OF CANDIDATE'S PERSONAL FUNDS.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"SEC. . LIMITATION ON USE OF CANDIDATE'S PERSONAL FUNDS.

''A candidate shall not make an aggregate amount of contributions to the candidate's authorized committees or expenditures using personal funds with respect to an election in an amount in excess of 25 percent of the aggregate amount of expenditures made by the candidate and the candidate's committees with respect to an election.''

AMENDMENT NO. 1291

At the appropriate place, insert the following:

SEC. . REQUIRED DISCLOSURE FOR CANDIDATE'S AUTHORIZED COMMITTEES.

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

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) for an authorized committee, the source of any funds contributed to the committee or expended by the candidate using personal funds in an aggregate amount in excess of the amount of the limit under section 315(a)(1)(A) during the reporting period.''

AMENDMENT NO. 1292

At the appropriate place, insert the following:

SEC. . REQUIRED DISCLOSURE IN CERTAIN COMMUNICATIONS OF THE PERSON WHO PAYS FOR THE COMMUNICATION.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by adding at the end the following:

''(c) ISSUE COMMUNICATIONS.—

''(1) IN GENERAL.—Whenever a person makes a disbursement for the purpose of financing an issue communication (not including an expenditure described in subsection (a)), the communication shall clearly state the name of the person who made the disbursement to finance the communication.

''(2) DEFINITION.—The term 'issue communication' means a communication that—

''(A)(i) contains the image or likeness of, mentions the name of, or otherwise expressly or by fair implication refers to a candidate for Federal office; or

''(ii) contains the name or symbol of, mentions the name of, or otherwise expressly or by fair implication refers to a political party of which any person is a candidate for Federal office in that election; and

''(B) is disseminated within 90 days of the election for the office that the candidate whom the communication is in connection with is seeking.

''(3) EXCEPTION.—This subsection shall not apply to a communication that clearly has a primary purpose other than that of influencing the outcome of an election for Federal office or elections for Federal office.''.

AMENDMENT NO. 1293

At the appropriate place, insert the following:

SEC. . LIMITATION ON USE OF CONTRIBUTIONS TO REPAY LOANS OF CANDIDATES.

(a) FINDINGS.—Congress finds that—

(1) a broad range of support through financial participation in the election process is an important component of the democratic process;

(2) candidates are often forced to spend a large amount of funds on their election campaign because other candidates in the same election spend a large amount of funds;

(3) excess expenditures in an election campaign is wasteful and potentially destructive to the democratic process; and

(4) the limitation of contributions from candidates using personal funds can help reduce the level of spending in connection with a Federal election.

(b) LIMITATION OF USE OF CONTRIBUTIONS TO REPAY PERSONAL DEBT OF CANDIDATE.—Section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended—

(1) by inserting ''(a)'' before ''Amounts''; and

(2) by adding at the end the following:

''(b) LIMITATION OF USE OF CONTRIBUTIONS TO REPAY PERSONAL DEBT.—

''(1) IN GENERAL.—A candidate's authorized committees shall not make expenditures to repay—

''(A) a debt or obligation incurred by the candidate in connection with the election campaign of the candidate; or

''(B) a loan made to the committee from the candidate in connection with the election campaign of the candidate;

to the extent that the aggregate amount of such expenditures exceed 15 percent of the aggregate expenditures made by the candidate and the candidate's committees in the election campaign.

''(2) CANDIDATE.—A candidate shall not accept from the candidates authorized committees any amount that is used to repay, or that constitutes a repayment of, any loan described in paragraph (1) to the extent that the aggregate amount received by the candidate exceeds the limitation under paragraph (1), reduced by expenditures described in such paragraph to persons other than the candidate.''.

CLELAND AMENDMENTS NOS. 1294–1299

(Ordered to lie on the table.)

Mr. CLELAND submitted six amendments intended to be proposed by him to the bill, S. 25, supra; as follows:

AMENDMENT NO. 1294

On page 52, between lines 12 and 13, insert the following:

SEC. 510. REQUIRED CONTRIBUTOR CERTIFICATION.

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

(1) in subparagraph (A)—

(A) by striking ''and'' the first place it appears; and

(B) by inserting '', and an affirmation that the individual is an individual who is not prohibited by sections 319 and 320 from making the contribution'' after ''employer''; and

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

AMENDMENT NO. 1295

On page 52, between lines 12 and 13, insert the following:

SEC. 510. RESTRUCTURING OF THE FEDERAL ELECTION COMMISSION.

(a) IN GENERAL.—So much of section 306(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)) as precedes paragraph (2) is amended to read as follows:

(1) by striking ''(a)(1) There'' and inserting the following:

''(a) COMPOSITION OF COMMISSION.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—There is established a commission to be known as the Federal Election Commission.

''(B) APPOINTMENT OF MEMBERS.—The Commission shall be composed of 7 members appointed by the President, by and with the advice and consent of the Senate, of which 1 member shall be appointed by the President from nominees recommended under subparagraph (C).

''(C) NOMINATIONS.—

''(i) IN GENERAL.—The Supreme Court shall recommend 10 nominees from which the President shall appoint a member of the Commission.

''(ii) QUALIFICATIONS.—The nominees recommended under clause (i) shall be individuals who have not, during the time period beginning on the date that is 5 years prior to the date of the nomination and ending on the date of the nomination—

''(I) held elective office as a member of the Democratic or Republican political party;

''(II) received any wages from the Democratic or Republican political party; or

''(III) provided substantial volunteer services or made any substantial contribution 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.

''(D) LIMIT ON PARTY AFFILIATION.—Of the 6 members not appointed pursuant to subparagraph (C), no more than 3 members may be affiliated with the same political party.''; and (3) by striking paragraph (5) and inserting the following:

''(5) CHAIR; VICE CHAIR.—

''(A) IN GENERAL.—A member appointed under paragraph (1)(C) shall serve as chair of the Commission and the Commission shall elect a vice chair from among the Commission's members.

''(B) AFFILIATION.—The chair and the vice chair shall not be affiliated with the same political party.

''(C) VACANCY.—The vice chair shall act as chair in the absence or disability of the chair or in the event of a vacancy of the chair.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The term of the seventh member of the Federal Election Commission appointed under section 306(a)(1)(C) of the Federal Election Campaign Act of 1971 shall begin on May 1, 1999.

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

AMENDMENT NO. 1296

On page 52, between lines 12 and 13, insert the following:

SEC. 510. FILING FEES.

(a) SCHEDULE.—The Federal Election Commission shall establish by regulation a schedule of filing fees that apply to persons required to file a report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(b) REQUIREMENTS.—A filing fee schedule established under subsection (a) shall—

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

(2) contain sufficient fees to meet the estimated operating costs of the Federal Election Commission for the next fiscal year; and

(3) provide a waiver of fees for persons required to file a report with the Federal Election Commission if such fee would be a substantial hardship to such person.

(a) APPROPRIATIONS.—Any fees collected pursuant to this section are hereby appropriated for use by the Federal Election Commission in carrying out its duties under the Federal Election Campaign Act of 1971 and shall remain available without fiscal year limitation.

(d) EFFECTIVE DATE.—This section shall apply to fiscal years beginning after the date that is 2 years after the date of enactment of this Act.

AMENDMENT NO. 1297

On page 52, between lines 12 and 13, insert the following:

SEC. 510. INDEPENDENT LITIGATION AUTHORITY.

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

''(4) INDEPENDENT LITIGATING AUTHORITY.—

''(A) IN GENERAL.—Notwithstanding paragraph (2) or any other provision of law, the Commission is authorized to appear on the Commission's behalf in any action related to the exercise of the Commission's 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 from, and petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which the Commission appears under the authority provided in this section.''.

AMENDMENT NO. 1298

On page 52, between lines 12 and 13, insert the following:

SEC. 510. LIMIT ON TIME TO ACCEPT CONTRIBUTIONS.

(a) TIME TO ACCEPT CONTRIBUTIONS.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following:

''(i) TIME TO ACCEPT CONTRIBUTIONS.—

''(1) IN GENERAL.—A candidate for nomination to, or election to, the Senate or House of Representatives shall not accept a contribution from any person during an election cycle in connection with the candidate's campaign except during a contribution period.

''(2) CONTRIBUTION PERIOD.—In this subsection, the term 'contribution period' means, with respect to a candidate, the period of time that—

''(A) begins on the date that is the earlier of—

''(i) January 1 of the year in which an election for the seat that the candidate is seeking occurs; or

''(ii) 90 days before the date on which the candidate will qualify under State law to be placed on the ballot for the primary election for the seat that the candidate is seeking; and

''(B) ends on the date that is 5 days after the date of the general election for the seat that the candidate is seeking.

''(3) EXCEPTIONS.—

''(A) DEBTS INCURRED DURING ELECTION CYCLE.—A candidate may accept a contribution after the end of a contribution period to make an expenditure in connection with a debt or obligation incurred in connection with the election during the election cycle.

''(B) ACCEPTANCE OF CONTRIBUTIONS IN RESPONSE TO OPPONENT'S CARRYOVER FUNDS.—

''(i) IN GENERAL.—A candidate may accept an aggregate amount of contributions before the contribution period begins in an amount equal to 125 percent of the amount of carryover funds of an opponent in the same election.

''(ii) CARRYOVER FUNDS OF OPPONENT.—In clause (i), the term 'carryover funds of an opponent' means the aggregate amount of contributions that an opposing candidate and the candidate's authorized committees transfers from a previous election cycle to the current election cycle.''.

(b) DEFINITION OF ELECTION CYCLE.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) (as amended by section 307(b)) is amended by adding at the end the following:

''(22) ELECTION CYCLE.—The term 'election cycle' means the period beginning on the day after the date of the most recent general election for the specific office or seat that a candidate is seeking and ending on the date of the next general election for that office or seat.''.

AMENDMENT NO. 1299

On page 52, between lines 12 and 13, insert the following:

SEC. 510. REQUIRED CONTRIBUTOR CERTIFICATION.

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

(1) in subparagraph (A)—

(A) by striking ''and'' the first place it appears; and

(B) by inserting '', and, in the case of an individual who has made aggregate contributions in excess of $500, an affirmation that the individual is an individual who is not prohibited by sections 319 and 320 from making the contribution'' after ''employer''; and

(2) in subparagraph (B) by inserting ''and, in the case of a person who has made aggregate contributions in excess of $500, an affirmation that the person is a person that is not prohibited by sections 319 and 320 from making a contribution'' after ''such person''.

CLARIFICATION LEGISLATION

SMITH OF NEW HAMPSHIRE (AND GREGG) AMENDMENT NO. 1300

(Ordered referred to the Committee on Governmental Affairs.)

Mr. SMITH of New Hampshire (for himself and Mr. GREGG) submitted an amendment intended to be proposed by them to the bill (H.R. 1953) to clarify State authority to tax compensation paid to certain employees; as follows:

On page 2, strike lines 1 through 20, and insert the following:

SECTION 1. LIMITATION ON STATE AUTHORITY TO TAX COMPENSATION PAID TO INDIVIDUALS PERFORMING SERVICES AT CERTAIN FEDERAL FACILITIES.

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, as amended by is amended by adding at the end the following:

''§ 115. Limitation on State authority to tax compensation paid to individuals performing services at certain Federal facilities

''Pay and compensation paid to an individual for personal services at Fort Campbell, Kentucky, or the Portsmouth, New Hampshire Naval Shipyard, shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 4, United States Code, is amended by adding at the end the following:

''115. Limitation on State authority to tax compensation paid to individuals performing services at certain Federal facilities.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to pay and compensation paid after the date of the enactment of this Act.

Mr. SMITH of New Hampshire. Mr. President, on behalf of Senator GREGG and myself, I submit an amendment. Mr. President, this is a very simple and straightforward amendment which has been drafted to address a very unique situation concerning State tax liability for persons performing services at the Portsmouth, New Hampshire Naval Shipyard. This shipyard is a Federal facility located on a group of small islands in the inner Portsmouth Harbor and Piscataqua River, which forms the border between the States of New Hampshire and Maine.

The amendment we are offering will make pay and compensation of Portsmouth Naval Shipyard employees subject only to the State taxation laws of the State in which the employees reside.

On July 28, 1997, the House of Representatives passed H.R. 1953, a bill which likewise makes State taxing authority subject to an employee's State of residence with respect to three other Federal facilities located on State borders.

Again, Mr. President, these are very unique situations where we have a serious issue of tax fairness of Federal employees at these particular Federal facilities on the border between States. It is appropriate for the Congress, in these instances, to use its power to clarify taxing authority especially where the States involved have been unable to work out an equitable tax reciprocity agreement on their own. Moreover, I would note that in this instance, there is disagreement between New Hampshire and Maine on whether the border location of the shipyard puts it geographically in New Hampshire or Maine. This is all the more reason for Congress to seek to help these Federal employees caught in the middle of a border dispute.

As a Member of the Senate Committee on Governmental Affairs, I look forward to working with Chairman THOMPSON and my other colleagues on the committee in the next few weeks to schedule action on both the House bill and the amendment Senator GREGG and I are offering to it today.

Finally, Mr. President, I would note that when H.R. 1953 passed the House a few weeks back, some of my colleagues there noted that it took nearly 10 years to correct the tax inequity for the Federal employees at the three Federal facilities on State borders referenced in