English, recognition as a scholar and authority on Renaissance literature, and preeminent positions in higher education: Now, therefore, be it

*Resolved,*

**SECTION 1. HONORING NEIL L. RUDENSTINE.**

The Senate—

(1) expresses deep appreciation to President Neil L. Rudenstine of Harvard University for his contributions to higher education, for the spirit of public service that characterized his decade as Harvard University's President, for his many years of academic leadership at other universities, and for the grace and elegance that he brought to all he has done; and

(2) wishes him well in every future endeavor, anticipating the continuing benefit of his thoughtful expertise to American higher education.

**SEC. 2. TRANSMITTAL.**

The Secretary of the Senate shall transmit a copy of this resolution to Neil L. Rudenstine.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 155. Mr. HARKIN (for himself, Mr. WELLSTONE, and Mr. BIDEN) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

SA 156. Mr. FRIST (for himself and Mr. BREAUX) proposed an amendment to the bill S. 27, supra.

SA 157. Mr. BINGAMAN proposed an amendment to the bill S. 27, supra.

SA 158. Mr. BINGAMAN proposed an amendment to the bill S. 27, supra.

SA 159. Mr. NELSON, of Florida proposed an amendment to the bill S. 27, supra.

SA 160. Mr. KERRY proposed an amendment to the bill S. 27, supra.

SA 161. Mr. LEVIN (for himself, Mr. ENSIGN, Mrs. CLINTON, Mr. DORGAN, Mr. NELSON, of Nebraska, and Mr. REID) proposed an amendment to the bill S. 27, supra.

SA 162. Mr. DURBIN (for himself and Mr. COCHRAN) proposed an amendment to the bill S. 27, supra.

SA 163. Mr. THOMPSON (for himself, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEAHY, Mr. JEFFORDS, and Mr. DODD) proposed an amendment to the bill S. 27, supra.

SA 164. Mr. REED proposed an amendment to the bill S. 27, supra.

## TEXT OF AMENDMENTS

**SA 155.** Mr. HARKIN (for himself, Mr. WELLSTONE, and Mr. BIDEN) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 38, after line 3, add the following:

**TITLE V—VOLUNTARY SENATE CANDIDATE SPENDING LIMITS AND BENEFITS**

**SEC. 501. VOLUNTARY SENATE SPENDING LIMITS AND PUBLIC BENEFITS.**

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

**"TITLE V—VOLUNTARY SPENDING LIMITS AND PUBLIC BENEFITS FOR SENATE ELECTION CAMPAIGNS**

**"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.**

''(a) IN GENERAL.—For purposes of this title, a candidate is an eligible candidate if the candidate—

''(1) meets the primary and general election filing requirements of subsections (b) and (c); and

''(2) meets the primary and runoff election expenditure limits of subsection (d).

''(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration as to whether—

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

''(i) will meet the primary and runoff election expenditure limits of subsection (d); and

''(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits; and

''(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(a).

''(2) The declaration under paragraph (1) shall be filed on the date the candidate files as a candidate for the primary election.

''(c) GENERAL ELECTION FILING REQUIREMENT.—(1) The requirements of this subsection are met if the candidate files a certification with the Secretary of the Senate under penalty of perjury that—

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

''(i) met the primary and runoff election expenditure limits under subsection (d); and

''(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable;

''(B) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

''(C) such candidate and the authorized committees of such candidate—

''(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(a);

''(ii) will not accept any contributions in violation of section 315;

''(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the amount of the general election expenditure limit under section 502(a);

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

''(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission; and

''(D) the candidate intends to make use of the benefits provided under section 503.

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

''(A) the date 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 the candidate wins the primary or runoff election.

''(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

''(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of an amount equal to 67 percent of the general election expenditure limit under section 502(a).

''(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(a).

''(2)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

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

''(i) would result in the violation of any limitation under section 315; or

''(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(C)(iii).

**"SEC. 502. LIMITATIONS ON EXPENDITURES.**

''(a) GENERAL ELECTION EXPENDITURE LIMIT.—Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible candidate and the candidate's authorized committees shall not exceed the sum of—

''(1) $1,000,000; and

''(2) 50 cents multiplied by the voting age population of the candidate's State.

''(b) PAYMENT OF TAXES.—The limitation under subsection (a) shall not apply to any expenditure by the candidate or the candidate's authorized committees for Federal, State, or local taxes on earnings allocable to contributions received by such candidates or committees.

**"SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.**

''(a) PAYMENTS.—An eligible candidate shall be entitled to payments from the Senate Election Campaign Fund with respect to an election in an amount equal to 2 times the excess expenditure amount determined under subsection (b) with respect to the election, beginning on the date on which an opponent in the same election as the eligible candidate makes an aggregate amount of expenditures, or accepts an aggregate amount of contributions, in excess of an amount equal to the sum of—

''(1) the excess expenditure amount; and

''(2) $10,000.

''(b) EXCESS EXPENDITURE AMOUNT.—For purposes of subsection (a), except as provided in section 505(c), the excess expenditure amount determined under this subsection with respect to an election is the greatest aggregate amount of expenditures made (or obligated to be made), or contributions received, by any opponent of the eligible candidate with respect to such election in excess of the primary or runoff expenditure limits under section 501(d) or general election expenditure limit under section 502(a) of the eligible candidate (as applicable).

''(c) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—An eligible candidate who receives payments under subsection (a) that are allocable to the excess expenditure amounts described in subsection (b) may make expenditures from such payments to defray expenditures for the primary, runoff, or general election without regard to the applicable expenditure limits under section 501(d) or 502(a).

''(d) USE OF PAYMENTS FROM FUND.—Payments received by a candidate under subsection (a) shall be used to defray expenditures incurred with respect to the election for which the amounts were made available. Such payments shall not be used—

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

''(2) to make any expenditure other than expenditures to further the applicable election of such candidate;

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

''(4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

''(e) UNEXPENDED FUNDS.—Any amount received by an eligible candidate under this title may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid to the Secretary of the Treasury.

**''SEC. 504. CERTIFICATION BY COMMISSION.**

''(a) IN GENERAL.—(1) The Commission shall certify to any candidate meeting the requirements of section 501 that such candidate is an eligible candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

''(2) Not later than 48 hours after an eligible candidate files a request with the Secretary of the Senate to receive benefits under section 505, the Commission shall certify to the Secretary of the Treasury whether such candidate is eligible for payments under this title from the Senate Election Campaign Fund and the amount of such payments to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

''(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

''(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

''(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive.

**''SEC. 505. PAYMENTS RELATING TO ELIGIBLE CANDIDATES.**

''(a) ESTABLISHMENT OF CAMPAIGN FUND.—(1) There is hereby established in the Treasury of the United States a special fund to be known as the 'Senate Election Campaign Fund'.

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

''(i) any contributions by persons which are specifically designated as being made to the Fund; and

''(ii) any other amounts which may be deposited into the Fund under this title.

''(B) It is the sense of the Senate that a contribution to the Fund under subparagraph (A)(i) shall exclusively consist of amounts derived from income tax refunds due the person or additional amounts included with the person's return and not from any income tax liability owed by the person to the Treasury.

''(C) The Secretary of the Treasury (referred to in this section as the 'Secretary') shall, from time to time, transfer to the Fund an amount not in excess of the amounts described in subparagraph (A).

''(D) Amounts in the Fund shall remain available without fiscal year limitation.

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

''(A) making payments required under this title; and

''(B) making disbursements in connection with the administration of the Fund.

''(4) The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

''(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 504, except as provided in subsection (c), the Secretary shall promptly pay the amount certified by the Commission to the candidate out of the Senate Election Campaign Fund.

''(c) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—(1) If, at the time of a certification by the Commission under section 504 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Election Campaign Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

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

''(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

''(i) the amount of monies in the Fund which will be available to make payments required by this title in the succeeding calendar year; and

''(ii) the amount of payments which will be required under this title in such calendar year.

''(B) If the Secretary determines that there will be insufficient monies in the Fund to make the payments required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments under this subsection. Such notice shall be by registered mail.

''(C) The amount of the eligible candidate's contribution limit under section 501(c)(1)(C)(iii) shall be increased by the amount of the estimated pro rata reduction.

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

''(d) EXCESS PAYMENTS; REVOCATION OF STATUS.—(1) If the Commission determines that payments were made to an eligible candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

''(2) If the Commission revokes the certification of a candidate as an eligible candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay to the Secretary an amount equal to 200 percent of the amount of any benefit made available to the candidate under this title.

''(e) DEPOSITS.—The Secretary shall deposit all payments received under this section into the Senate Election Campaign Fund.

''(f) APPROPRIATIONS.—Any fees collected or fines imposed by the Commission under this Act are hereby appropriated for deposit in the Fund for use in carrying out the purposes of this title.

**''SEC. 506. DEFINITIONS.**

''In this title—

''(1) except as otherwise provided in this title, the definitions under section 301 shall apply for purposes of this title insofar as such definitions relate to elections to the office of Senator;

''(2) the term 'eligible candidate' means a candidate who is eligible under section 501 to receive benefits under this title;

''(3) the terms 'Senate Election Campaign Fund' and 'Fund' mean the Senate Election Campaign Fund established under section 505;

''(4) the term 'general election' means any election which will directly result in the election of a person to the office of Senator, but does not include an open primary election;

''(5) the term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

''(A) the date of such general election; or

''(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election;

''(6) the term 'immediate family' means—

''(A) a candidate's spouse;

''(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

''(C) the spouse of any person described in subparagraph (B);

''(7) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified under State law for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of this title;

''(8) the term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for the office of Senator;

''(9) the term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

''(A) the date of the first primary election for that office following the last general election for that office; or

''(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election;

''(10) the term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for the office of Senator;

''(11) the term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office;

''(12) the term 'voting age population' means the resident population, 18 years of

age or older, as certified pursuant to section 315(e); and

''(13) the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) or (vi) thereof.''.

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 2001.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 2002, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 2002, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 2002, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If title V of the Federal Election Campaign Act of 1971 (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this title shall be treated as invalid.

**SEC. 502. NOTIFICATION REQUIREMENTS.**

The Federal Election Commission shall promulgate such regulations as necessary to allow the Federal Election Commission to notify eligible candidates (as defined in section 506 of the Federal Election Campaign Act of 1971, as added by section 501) of the expenditures and contributions of an opposing candidate in the same election in a timely manner for purposes of determining the payment amount under section 503 of such Act, as so added.

**SEC. 503. NONSEVERABILITY.**

(a) IN GENERAL.—If any provision of, or amendment made by, this Act that is described in subsection (b), or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the provisions of, and amendments made by, this title, and the application of such provisions and amendments to any person or circumstance, shall be invalid.

(b) PROVISIONS.—A provision or amendment described in this subsection is a provision or amendment contained in any of the following sections:

(1) Section 201.
(2) Section 202.
(3) Section 203.
(4) Section 204.

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**SA 156.** Mr. FRIST (for himself and Mr. BREAUX) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, strike lines 18 through 24 and insert the following:

(a) IN GENERAL.—Except as provided in subsection (b), if any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

(b) NONSEVERABILITY OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—If one of the provisions of, or amendments made by, this Act that is described in paragraph (2), or if the application of any such provision or amendment to any person or circumstance, is held to be unconstitutional, then all the provisions and amendments described in paragraph (2) shall be invalid.

(2) NONSEVERABLE PROVISIONS.—A provision or amendment described in this paragraph is a provision or amendment contained in any of the following sections:

(A) Section 101, except for section 323(d) of the Federal Election Campaign Act of 1971, as added by such section.
(B) Section 103(b).
(C) Section 201.
(D) Section 203.

(c) JUDICIAL REVIEW.—

(1) EXPEDITED REVIEW.—Any Member of Congress, candidate, national committee of a political party, or any person adversely affected by any provision of, or amendment made by, this Act, or the application of such a provision or amendment to any person or circumstance, may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that such provision or amendment violates the Constitution.

(2) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia granting or denying an injunction regarding, or finally disposing of, an action brought under paragraph (1) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 calendar days after such order is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order is entered.

(3) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under paragraph (1).

(4) APPLICABILITY.—This subsection shall apply only with respect to any action filed under paragraph (1) not later than 30 days after the effective date of this Act.

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**SA 157.** Mr. BINGAMAN proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

**SEC. ___. DONATIONS TO PRESIDENTIAL INAUGURAL COMMITTEE.**

(a) IN GENERAL.—Chapter 5 of title 36, United States Code, is amended by—

(1) redesignating section 510 as section 511; and

(2) inserting after section 509 the following:

**''§ 510. Disclosure of and prohibition on certain donations.**

''(a) IN GENERAL.—A committee shall not be considered to be the Inaugural Committee for purposes of this chapter unless the committee agrees to, and meets, the requirements of subsections (b) and (c).

''(b) DISCLOSURE.—

''(1) IN GENERAL.—Not later than the date that is 90 days after the date of the Presidential inaugural ceremony, the committee shall file a report with the Federal Election Commission disclosing any donation of money or anything of value made to the committee in an aggregate amount equal to or greater than $200.

''(2) CONTENTS OF REPORT.—A report filed under paragraph (1) shall contain—

''(A) the amount of the donation;

''(B) the date the donation is received; and

''(C) the name and address of the person making the donation.

''(c) LIMITATION.—The committee shall not accept any donation from a foreign national (as defined in section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b))).''.

(b) REPORTS MADE AVAILABLE BY FEC.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by sections 103 and 201, is amended by adding at the end the following:

''(g) REPORTS FROM INAUGURAL COMMITTEES.—The Federal Election Committee shall make any report filed by an Inaugural Committee under section 510 of title 36, United States Code, accessible to the public at the offices of the Commission and on the Internet not later than 48 hours after the report is received by the Commission.''.

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**SA 158.** Mr. BINGAMAN proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

**SEC. ___. OPPORTUNITY OF CANDIDATES TO RESPOND TO NEGATIVE POLITICAL ADVERTISEMENTS SPONSORED BY NONCANDIDATES.**

Section 315 of the Communications Act of 1934 (47 U.S.C. 315), as amended by this Act, is amended—

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

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

''(b) POLITICAL ADVERTISEMENTS OF NONCANDIDATES.—

''(1) IN GENERAL.—If any licensee permits a person, other than a legally qualified candidate for Federal office (or an authorized committee of that candidate), to use a broadcasting station during the period described in paragraph (2) to attack or oppose (as defined in paragraph (3)) a clearly identified candidate (as defined in section 301 of the Federal Election Campaign Act of 1971) for Federal office, the broadcasting station shall, within a reasonable period of time, make available to such candidate the opportunity to use the broadcasting station, without charge, for the same amount of time during the same period of the day and week as was used by such person.

''(2) PERIOD DESCRIBED.—The period described in this paragraph is—

''(A) with respect to a general, special, or runoff election for such Federal office, the 60-day period preceding such election; or

''(B) with respect to a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate for such Federal office, the 30-day period preceding such election, convention, or caucus.

''(3) ATTACK OR OPPOSE DEFINED.—The term 'attack or oppose' means, with respect to a clearly identified candidate—

''(A) any expression of unmistakable and unambiguous opposition to the candidate; or

''(B) any communication that contains a phrase such as 'vote against', 'defeat', or 'reject', or a campaign slogan or words that, when taken as a whole, and with limited reference to external events (such as proximity to an election) can have no reasonable meaning other than to advocate the defeat of one

or more clearly identified candidates, regardless of whether or not the communication expressly advocates a vote against the candidate.''.

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**SA 159.** Mr. NELSON of Florida proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

**SEC. ___. PROHIBITION ON FRAUDULENT SOLICITATION OF FUNDS.**

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''No person'';

(2) by adding at the end the following:

''(b) FRAUDULENT SOLICITATION OF FUNDS.—No person shall—

''(1) fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations; or

''(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).''.

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**SA 160.** Mr. KERRY proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

**SEC. 305. STUDY AND REPORT ON CLEAN MONEY CLEAN ELECTIONS LAWS.**

(a) CLEAN MONEY CLEAN ELECTIONS DEFINED.—In this section, the term ''clean money clean elections'' means funds received under State laws that provide in whole or in part for the public financing of election campaigns.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the clean money clean elections of Arizona and Maine.

(2) MATTERS STUDIED.—

(A) STATISTICS ON CLEAN MONEY CLEAN ELECTIONS CANDIDATES.—The Comptroller General of the United States shall determine—

(i) the number of candidates who have chosen to run for public office with clean money clean elections including—

(I) the office for which they were candidates;

(II) whether the candidate was an incumbent or a challenger; and

(III) whether the candidate was successful in the candidate's bid for public office; and

(ii) the number of races in which at least one candidate ran an election with clean money clean elections.

(B) EFFECTS OF CLEAN MONEY CLEAN ELECTIONS.—The Comptroller General of the United States shall describe the effects of public financing under the clean money clean elections laws on the 2000 elections in Arizona and Maine.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress detailing the results of the study conducted under subsection (b).

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**SA 161.** Mr. LEVIN (for himself, Mr. ENSIGN, Mrs. CLINTON, Mr. DORGAN, Mr. NELSON of Nebraska, and Mr. REID) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

Beginning on page 3, strike line 12 and all that follows through page 4, line 4, and insert the following:

''(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an amount that is expended or disbursed for Federal election activity by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity), or by an entity directly or indirectly established, financed, maintained, or controlled by or acting on behalf of 1 or more candidates for State or local office, or individuals holding State or local office, shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this subsection shall prevent a principal campaign committee of a candidate for State or local office from raising and spending funds permitted under applicable State law other than for a Federal election activity that refers to a clearly identified candidate for election to Federal office.

''(2) APPLICABILITY.—

''(A) IN GENERAL.—Notwithstanding clause (i) or (ii) of section 301(20)(A), and subject to subparagraph (B), paragraph (1) shall not apply to any amount expended or disbursed by a State, district, or local committee of a political party for an activity described in either such clause to the extent the costs of such activity are allocated under regulations prescribed by the Commission as costs that may be paid from funds not subject to the limitations, prohibitions, and reporting requirements of this Act.

''(B) CONDITIONS.—Subparagraph (A) shall only apply if—

''(i) the activity does not refer to a clearly identified candidate for Federal office; and

''(ii) the costs described in subparagraph (A) are paid directly or indirectly from amounts donated in accordance with State law, except that no person (and any person established, financed, maintained, or controlled by such person) may donate more than $10,000 to a State, district or local committee of a political party in a calendar year to be used for the costs described in subparagraph (A).

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**SA 162.** Mr. DURBIN (for himself and Mr. COCHRAN) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

**SEC. . CLARITY STANDARDS FOR IDENTIFICATION OF SPONSORS OF ELECTION-RELATED ADVERTISING.**

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking 'Whenever' and inserting 'Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever';

(ii) by striking 'an expenditure' and inserting 'a disbursement'; and

(iii) by striking 'direct'; and

(iv) by inserting 'or makes a disbursement for an electioneering communication (as defined in section 304(d)(3))'' after ''public political advertising''

(B) in paragraph (3), by inserting 'and permanent street address, telephone number, or World Wide Web address'' after 'name''; and

(2) by adding at the end the following:

'(c) SPECIFICATION.—Any printed communication described in subsection (a) shall—

'(1) be of sufficient type size to be clearly readable by the recipient of the communication;

'(2) be contained in a printed box set apart from the other contents of the communication; and

'(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

'(d) ADDITIONAL REQUIREMENTS.—

'(1) AUDIO STATEMENT.—

(A) CANDIDATE.—Any communication described in paragraphs (1) or (2) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

'(B) OTHER PERSONS.—Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement: 'XXXXXXXX is responsible for the content of this advertising.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If transmitted through television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.'.

'(2) TELEVISION.—If a communication described in paragraph (1)(A) is transmitted through television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement that—

'(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

'(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.'.

**SEC. . SEVERABILITY.**

If this amendment or the application of this amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendments to any person or circumstance, shall not be affected by the holding.

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**SA 163.** Mr. THOMPSON (for himself, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEAHY, Mr. JEFFORDS, and Mr. DODD) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

**SEC. ___. INCREASE IN PENALTIES.**

(a) IN GENERAL.—Subparagraph (A) of section 309(d)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is amended to read as follows:

''(A) Any person who knowingly and willfully commits a violation of any provision of

this Act which involves the making, receiving, or reporting of any contribution, donation, or expenditure—

''(i) aggregating $25,000 or more during a calendar year shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both; or

''(ii) aggregating $2,000 or more (but less than $25,000) during a calendar year shall be fined under such title, or imprisoned for not more than one year, or both.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring on or after the date of enactment of this Act.

**SEC. ___. STATUTE OF LIMITATIONS.**

(a) IN GENERAL.—Section 406(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 455(a)) is amended by striking ''3'' and inserting ''5''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring on or after the date of enactment of this Act.

**SEC. ___. SENTENCING GUIDELINES.**

(a) IN GENERAL.—The United States Sentencing Commission shall—

(1) promulgate a guideline, or amend an existing guideline under section 994 of title 28, United States Code, in accordance with paragraph (2), for penalties for violations of the Federal Election Campaign Act of 1971 and related election laws; and

(2) submit to Congress an explanation of any guidelines promulgated under paragraph (1) and any legislative or administrative recommendations regarding enforcement of the Federal Election Campaign Act of 1971 and related election laws.

(b) CONSIDERATIONS.—The Commission shall provide guidelines under subsection (a) taking into account the following considerations:

(1) Ensure that the sentencing guidelines and policy statements reflect the serious nature of such violations and the need for aggressive and appropriate law enforcement action to prevent such violations.

(2) Provide a sentencing enhancement for any person convicted of such violation if such violation involves—

(A) a contribution, donation, or expenditure from a foreign source;

(B) a large number of illegal transactions;

(C) a large aggregate amount of illegal contributions, donations, or expenditures;

(D) the receipt or disbursement of governmental funds; and

(E) an intent to achieve a benefit from the Government.

(3) Provide a sentencing enhancement for any violation by a person who is a candidate or a high-ranking campaign official for such candidate.

(4) Assure reasonable consistency with other relevant directives and guidelines of the Commission.

(5) Account for aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements.

(6) Assure the guidelines adequately meet the purposes of sentencing under section 3553(a)(2) of title 18, United States Code.

(c) EFFECTIVE DATE; EMERGENCY AUTHORITY TO PROMULGATE GUIDELINES.—

(1) EFFECTIVE DATE.—Notwithstanding section 402, the United States Sentencing Commission shall promulgate guidelines under this section not later than the later of—

(A) 90 days after the date of enactment of this Act; or

(B) 90 days after the date on which at least a majority of the members of the Commission are appointed and holding office.

(2) EMERGENCY AUTHORITY TO PROMULGATE GUIDELINES.—The Commission shall promulgate guidelines under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under such Act has not expired.

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**SA 164.** Mr. REED proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between line 14 and 15, insert the following:

**SEC. ___. AUDITS.**

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

(1) by inserting ''(1)'' before ''The Commission''; and

(2) by adding at the end the following:

''(2) RANDOM AUDITS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

''(B) LIMITATION.—The Commission shall not institute an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer an active candidate for the office sought by the candidate in that election cycle.

''(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.''.

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking ''6 months'' and inserting ''12 months''.

**SEC. ___. AUTHORITY TO SEEK INJUNCTION.**

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

(1) by adding at the end the following:

''(13) AUTHORITY TO SEEK INJUNCTION.—

''(A) IN GENERAL.—If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

''(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

''(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

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

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

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

''(B) VENUE.—An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.'';

(2) in paragraph (7), by striking ''(5) or (6)'' and inserting ''(5), (6), or (13)''; and

(3) in paragraph (11), by striking ''(6)'' and inserting ''(6) or (13)''.

**SEC. ___. 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''.

**SEC. ___. USE OF CANDIDATES' NAMES.**

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

''(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

''(B) A political committee that is not an authorized committee shall not—

''(i) include the name of any candidate in its name, or

''(ii) except in the case of a national, State, or local committee of a political party, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.''.

**SEC. ___. EXPEDITED PROCEDURES.**

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

''(14) EXPEDITED PROCEDURE.—

''(A) 60 DAYS PRECEDING AN ELECTION.—If the complaint in a proceeding is filed within 60 days immediately preceding a general election, the Commission may take action described in this paragraph.

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

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

''(C) COMPLAINT WITHOUT MERIT.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.''.

**SEC. ___. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL ELECTION COMMISSION.**

Section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended—

(1) by inserting ''(a)'' before ''There'';

(2) in the second sentence—

(A) by striking ''and'' after ''1978,''; and

(B) by striking the period at the end and inserting the following: '', and $80,000,000 (as adjusted under subsection (b)) for each fiscal year beginning after September 30, 2001.''; and

(3) by adding at the end the following:

''(b) The $80,000,000 under subsection (a) shall be increased with respect to each fiscal year based on the increase in the price index determined under section 315(c) for the calendar year in which such fiscal year begins,

except that the base period shall be calendar year 2000.''.

**SEC. ___. EXPEDITED REFERRALS TO ATTORNEY GENERAL.**

Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

''(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986, to the Attorney General of the United States, without regard to any limitation set forth in this section.''.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND AND FORESTRY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, March 29, 2001. The purpose of this hearing will be to review environmental trading opportunities for agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 29, 2001 to hear testimony on Debt Reduction.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Thursday, March 29, 2001, to consider the nominations of Kenneth W. Dam of Illinois to be Deputy Secretary of the Treasury; David D. Aufhauser to be General Counsel of the Department of the Treasury; Michele A. Davis, of Virginia to be an Assistant Secretary of the Treasury; and, Faryar Shirzad to be an Assistant Secretary of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 29, 2001 at 10:30 am to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, March 29, 2001 from 9:30 a.m.–12:00 p.m in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Aviation of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 29, 2001, at 10:00 a.m. on Aviation Delay Prevention Legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 29, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the Administration's National Fire Plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 29 at 10:00 a.m. to conduct an oversight hearing. The subcommittee will review the National Park Service's implementation of management policies and procedures to comply with the provisions of Title I, II, III, V, VI, VII, and VIII of the National Parks Omnibus Management Act of 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Committee on Government Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Thursday, March 29, at 10:00 a.m. for a hearing entitled, ''The National Security Implications of the Human Capital Crisis.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES AND INVESTMENT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Securities and Investment of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 29, 2001, to conduct a hearing on ''S. 206, The Public Utility Holding Company Act of 2001.''

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that William Lyons, a legislative assistant in my office, be afforded privileges of the floor during the proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1295(b), of the U.S. Code, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: The Senator from Arizona (Mr. MCCAIN), ex officio, as Chairman of the Committee on Commerce, Science, and Transportation; and the Senator from Maine (Ms. SNOWE), Committee on Commerce, Science, and Transportation.

The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: The Senator from Arizona (Mr. MCCAIN), ex officio, as Chairman of the Committee on Commerce, Science, and Transportation; and the Senator from Illinois (Mr. FITZGERALD), Committee on Commerce, Science, and Transportation.

## ORDERS FOR FRIDAY, MARCH 30, 2001

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Friday, March 30. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 27, the campaign finance reform bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will resume consideration of the campaign finance reform bill at 9 a.m. Amendments will be offered throughout the morning, with stacked votes to begin at 11 a.m. All amendments to the bill will be disposed of during tomorrow's session, with a vote on final passage to occur at 5:30 p.m. on Monday.

## ADJOURNMENT UNTIL TOMORROW AT 9 A.M.

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.