

TEXT OF AMENDMENTS

SA 165. Mr. MCCAIN 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 25, beginning with line 23, strike through line 2 on page 31 and insert the following:

SEC. 214. COORDINATION WITH CANDIDATES OR POLITICAL PARTIES.

(a) IN GENERAL.—

(1) COORDINATED EXPENDITURE OR DISBURSEMENT TREATED AS CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (8)) is amended—

(A) by striking “or” at the end of subparagraph (A)(i)—

(B) by striking “purpose.” in subparagraph (A)(ii) and inserting “purpose;”;

(C) by adding at the end of subparagraph (A) the following:

“(iii) any coordinated expenditure or other disbursement made by any person in connection with a candidate’s election, regardless of whether the expenditure or disbursement is for a communication that contains express advocacy;

“(iv) any expenditure or other disbursement made in coordination with a National committee, State committee, or other political committee of a political party by a person (other than a candidate or a candidate’s authorized committee) in connection with a Federal election, regardless of whether the expenditure or disbursement is for a communication that contains express advocacy.”.

(2) CONFORMING AMENDMENT.—Section 315(a)(7) of the Federal Election Campaign Act of 1971 (U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

“(B) a coordinated expenditure or disbursement described in—

“(i) section 301(8)(C) shall be considered to be a contribution to the candidate or an expenditure by the candidate, respectively; and

“(ii) section 301(8)(D) shall be considered to be a contribution to, or an expenditure by, the political party committee, respectively; and”.

(b) DEFINITION OF COORDINATION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)), as amended by subsection (a), is amended by adding at the end the following:

“(C) For purposes of subparagraph (A)(iii), the term ‘coordinated expenditure or other disbursement’ means a payment made in concert or cooperation with, at the request or suggestion of, or pursuant to any general or particular understanding with, such candidate, the candidate’s authorized political committee, or their agents, or a political party committee or its agents.”

(c) REGULATIONS BY THE FEDERAL ELECTION COMMISSION.—

(1) Within 90 days of the effective date of the legislation, the Federal Election Commission shall promulgate new regulations to enforce the statutory standard set by this provision. The regulation shall not require collaboration or agreement to establish coordination. In addition to any subject determined by the Commission, the regulations shall address:

(a) payments for the republication of campaign materials;

(b) payments for the use of a common vendor;

(c) payments for communications directed or made by persons who previously served as an employee of a candidate or a political party;

(d) payments for communications made by a person after substantial discussion about

the communication with a candidate or a political party;

(e) the impact of coordinating internal communications by any person to its restricted class has on any subsequent “Federal Election Activity” as defined in Section 301 of the Federal Election Campaign Act of 1971;

(2) The regulations on coordination adopted by the Federal Election Commission and published in the Federal Register at 65 Fed. Reg. 76138 on December 6, 2000, are repealed as of 90 days after the effective date of this regulation

SA 166. Mr. BOND 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. INCREASE IN PENALTIES IMPOSED FOR VIOLATIONS OF CONDUIT CONTRIBUTION BAN.

(a) INCREASE IN CIVIL MONEY PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraph (5)(B), by inserting before the period at the end the following: “(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of \$50,000 or 1000 percent of the amount involved in the violation);” and

(2) in paragraph (6)(C), by inserting before the period at the end the following: “(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of \$50,000 or 1000 percent of the amount involved in the violation).”.

(b) INCREASE IN CRIMINAL PENALTY.—

(1) IN GENERAL.—Section 309(d)(1) of such Act (2 U.S.C. 437g(d)(1)) is amended by adding at the end the following new subparagraph:

“(D) Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating \$10,000 or more during a calendar year shall be fined, or imprisoned for not more than 2 years, or both. The amount of the fine shall not be less than 300 percent of the amount involved in the violation and shall not be more than the greater of \$50,000 or 1000 percent of the amount involved in the violation.”.

(2) CONFORMING AMENDMENT.—Section 309(d)(1)(A) of such Act (2 U.S.C. 437g(d)(1)(A)) is amended by inserting “(other than section 320)” after “this Act”.

(c) MANDATORY REFERRAL TO ATTORNEY GENERAL.—Section 309(a)(5)(C) of such Act (2 U.S.C. 437(a)(5)(C)) is amended by inserting “(or, in the case of a violation of section 320, shall refer such apparent violation to the Attorney General of the United States)” after “United States”.

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

SA 167. Mr. McCONNELL (for Mr. HATCH) 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:

SEC. 403. EXPEDITED REVIEW.

(a) EXPEDITED REVIEW.—Any individual or organization that would otherwise have standing to challenge a provision of, or amendment made by, this Act 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. For purposes of the expedited review, provided by this section the exclusive venue for such an action shall be the United States District Court for the District of Columbia.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order or judgment of the United States District Court for the District of Columbia finally disposing of an action brought under subsection (a) 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 or judgment is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order or judgment is entered.

(c) 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 subsection (a).

SA 168. Mr. HARKIN 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 15 through 24 and insert the following:

TITLE IV—NONSEVERABILITY OF CERTAIN PROVISIONS; EFFECTIVE DATE
SEC. 401. NONSEVERABILITY OF CERTAIN PROVISIONS

(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 PROHIBITION ON SOFT MONEY OF POLITICAL PARTIES AND INCREASED CONTRIBUTION LIMITS.—If any amendment made by section 101, or the application of the amendment to any person or circumstance, is held to be unconstitutional, each amendment made by sections 101 or 308 (relating to modification of contribution limits), and the application of each such amendment to any person or circumstance, shall be invalid.

SA 169. Mr. DURBIN (for himself, Mr. DOMENICI, Mr. DEWINE, and Mr. LEVIN) 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. . RESTRICTION ON INCREASED CONTRIBUTION LIMITS BY TAKING INTO ACCOUNT CANDIDATE'S AVAILABLE FUNDS.

Section 315(k)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(i)(1)), as added by this Act, is amended by adding at the end the following:

(E) SPECIAL RULE FOR CANDIDATE'S CAMPAIGN FUNDS.—

(i) IN GENERAL.—For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the net cash-on-hand advantage of the candidate.

(ii) NET CASH-ON-HAND ADVANTAGE.—For purposes of clause (i), the term “net cash-on-hand advantage” means the excess, if any, of

(I) the aggregate amount of 50% of the contributions received by a candidate during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and Dec. 30 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50% of the contributions received by an opposing candidate during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and Dec. 30 of the year preceding the year in which a general election is held.

PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, I ask unanimous consent that Stephen Bell of Senator DOMENICI's staff be accorded the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR MONDAY, APRIL 2, 2001

Mr. KYL. Madam President, again, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 5 p.m. on Monday, April 2, 2001.

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

Mr. KYL. I further ask unanimous consent that at 5 p.m. there be 30 minutes for closing remarks on S. 27, to be equally divided between the chairman and the ranking member of the Rules Committee.

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

PROGRAM

Mr. KYL. Madam President, again, on behalf of the leader, for the information of all Senators, the Senate will reconvene on Monday and resume the campaign reform bill for 30 minutes for closing remarks. Under the previous order, the Senate will conduct a roll-call vote on passage of S. 27, as amended, at 5:30 p.m. Following that vote, Senators should expect additional votes to occur immediately. Therefore, a late session can be expected with votes. Also, Members should expect votes to be limited to 20 minutes only; therefore, Members will have to be prompt for these votes and all votes during the week of the budget resolution.

ORDER FOR RECESS

Mr. KYL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order, following the remarks of Senators CONRAD, KENNEDY, and NICKLES.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, thank you very much.

I say to my friend and colleague, we both have been here a long time. It is my intention to speak on campaign finance for probably 10 or 15 minutes. Does my colleague want to make a few remarks? His patience is wearing about as thin as mine.

Madam President, I will be happy to yield to my colleague a few minutes if that would accommodate his schedule.

If the Senator from North Dakota is seeking a few minutes, I am happy to accommodate his schedule.

Mr. CONRAD. I thank the Senator from Oklahoma. I will be very brief.

Mr. NICKLES. I yield the floor.

The PRESIDING OFFICER (Mr. BYRD). The Senator from North Dakota is recognized.

CONSIDERATION OF THE BUDGET RESOLUTION

Mr. CONRAD. I thank the Chair and the Senator from Oklahoma.

Mr. President, I wanted to further engage the Senator from Arizona because the Senator from Arizona asserted that we have received the estimates of the cost of the President's tax package, and that is simply not the case. It is not true. If he has received it, I would like him to give me a copy because we haven't received it.

We haven't received it because the Joint Tax Committee has said they don't have sufficient detail about the President's package to do such a reestimate, and so we are being asked to go to a budget resolution without having the President's budget, without having the estimates from an independent source of the cost of the President's budget proposal, and with no markup in the Senate Budget Committee, which is unprecedented, not even an attempt to mark up in the Senate Budget Committee, and all under a reconciliation which denies Senators their fundamental rights to engage in extended debate and amendment.

There were remarks made on the floor that are just not true. It is one thing to have a disagreement, and we can disagree. We can even disagree on the facts. The facts are clear and direct. The differences between the present and 1993 are sharp. In 1993, we did not have the full President's budget. We did have sufficient detail for an independent, objective review of the cost of the President's tax proposals. We do not have that now. We do not have the reestimate. We do not have an objective independent review of the cost of this President's tax plan.

What has been reestimated is part of the plan. And what has been reestimated is the estate tax plan of the Senator from Arizona, not the President's estate tax plan, because the Joint Tax Committee has made clear they don't

have sufficient detail to make such a reestimate. This body is being asked to write a budget resolution without the budget from the President, without sufficient detail from this President to have an objective, independent analysis of the cost of his proposal, without markup in the committee.

That is another difference. In 1993, we had a full and complete markup in the Budget Committee. This time there is none. It has never happened before.

Some on their side will say, well, in 1983, we went to the floor with a budget resolution without having completed a markup in the committee. That is true. But at least we tried to mark up in the Budget Committee each and every year. Virtually every year we have succeeded, except this year. There wasn't even an attempt to mark up the budget resolution in the committee.

As I say, we are now being asked to go to the budget resolution with no budget from the President, without even sufficient detail to have an independent analysis of the cost of his proposal, which is a massive \$1.6 trillion tax cut that threatens to put us back into deficit, that threatens to raid the trust funds of Medicare and Social Security, and we have had no markup in the committee.

The majority is proposing to use reconciliation, which was designed for deficit reduction, for a tax cut. That is an abuse of reconciliation. It would be an abuse if it was for spending; it is an abuse if it is for a tax cut. That was not the purpose of special procedures in which Senators give up their rights, their rights to debate and amend legislation. That is wrong. That turns this body into the House of Representatives.

I say to my colleagues on the other side, in 1993, when our leadership came to some of us and asked to use reconciliation for a spending program, we said no. This Senator said no. That is an abuse of reconciliation because reconciliation is for deficit reduction, not for spending increases, not for tax cuts. We are not to short-circuit the process of the Senate—extended debate, the right to amend—because those are the fundamental rights of every Senator. That is the basis the Founding Fathers gave to this institution. The House of Representatives was to act in a way that responded to the instant demands of the moment. The Senate was to be the cooling saucer where extended debate and discussion could occur, where Senators could offer amendments so that mistakes could be avoided.

All of that is being short-circuited. All of that is being thrown aside. All of that is being put in a position in which the fundamental constitutional structure of this body is being altered.

Because the Senator from Oklahoma was so gracious, I am going to stop for the moment so he can make his remarks. Then I will resume at a later point in time. I wanted to do this as a thank-you to the Senator from Oklahoma for his good manners and graciousness. I appreciate it.