CONGRESSIONAL RECORD—SENATE
March 29, 2001

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 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 election campaigns 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 election expenditure limit under subsection (d), whichever is applicable;

(B) at least one other candidate has qualified for the 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); and

(ii) will not accept any contributions in violation of section 515;

(2) 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); and

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

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

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

(d) PRIMARY AND RUNOFF EXPENDITURE LIMIT.—(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); and

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

(3) 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 515; 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 made 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 506(c), the aggregate amount of 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 502(a) and the general election expenditure limit under section 502(a) of the eligible candidate (as applicable).
(c) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITATIONS.—(1) In the case of an individual 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 the costs of the primary, runoff, or general election without regard to the applicable expenditure limits under section 501(d) of this title.

(2)(A) There are appropriated to the Fund for each calendar year, out of amounts in the general fund of the Treasury, an amount otherwise appropriated, 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 to 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.

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

“(3) Amounts in the Fund shall be available only for the purposes described in subparagraph (A).

“(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 that the certification is false and fully satisfies the requirements of such certification.

“(2) Not later than 48 hours after an eligible candidate files a request with the Secretary of the Treasury 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.

“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 calendar year, out of amounts in the general fund of the Treasury, an amount otherwise appropriated, 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 to 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 described in subparagraph (A).

“(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.

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

“(G) DEPOSIT.—The Secretary shall deposit all payments received under this section into the Senate Election Campaign Fund.

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

“(I) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITATIONS.—(1) In the case of an individual who receives payments 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.

“(2) Not later than 48 hours after an eligible candidate files a request with the Secretary of the Treasury 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.

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

“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, which ever 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 child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate’s spouse; and

“(B) the spouse of any person described in subparagraph (A); and

“(7) the term ‘major party’ has the meaning given such term in section 9902(b) 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 election in which a candidate is selected. This subsection shall be read in connection with the period beginning on the date of the last primary election for the office of Senator; or

(2) 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 for the office of Senator, if—

(a) no expenditure made before January 1, 2002, shall be taken into account in determining whether the candidate is selected; and

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

(11) the term ‘runoff election period’ means, with respect to any candidate, the period beginning on the day following the date on which the candidate is selected; and

(c) the term ‘voting age population’ means, with respect to any candidate, the resident population, 18 years of age or older, as certified pursuant to section 315(e); and

(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, on behalf of, a candidate or committees described in this section, the provisions and amendments to any provision or amendment to any provision or amendment described in this subsection is a provision or amendment contained in any of the following sections:

(a) Section 101.
(b) Section 201.
(c) Section 202.
(d) Section 203.
(e) Section 204.

SEC. 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:

SEC. 503. NONSEVERABILITY.

(a) In General.—If any provision of, or amendment made by, this Act 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) Nonseverable provisions.—A provision or amendment described in this subsection is a provision or amendment contained in any of the following sections:

(i) Section 101, except for section 323(d) of the Federal Election Campaign Act of 1971, as added by such section.

(ii) Section 103(b).

(iii) Section 201.

(iv) Section 202.

(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 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 appealable by any person affected thereby 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).

SEC. 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) Definitions.—

(1) In General.—Not later than the date that is 90 days after the date of the Presidential inauguration, 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. 441(e)(1))).

(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 163 and 201, is amended by adding at the end the following:

(g) Report from Inaugural Committee.—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.

SEC. 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. 503. NONSEVERABILITY.

(a) In General.—If any provision of, or amendment made by, this Act 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) Nonseverable provisions.—A provision or amendment described in this subsection is a provision or amendment contained in any of the following sections:

(i) Section 101, except for section 323(d) of the Federal Election Campaign Act of 1971, as added by such section.

(ii) Section 103(b).

(iii) Section 201.

(iv) Section 202.

(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 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 appealable by any person affected thereby 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).

SEC. 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) Definitions.—

(1) In General.—Not later than the date that is 90 days after the date of the President.

SEC. 503. NONSEVERABILITY.

(a) In General.—If any provision of, or amendment made by, this Act 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) Nonseverable provisions.—A provision or amendment described in this subsection is a provision or amendment contained in any of the following sections:

(i) Section 101, except for section 323(d) of the Federal Election Campaign Act of 1971, as added by such section.

(ii) Section 103(b).

(iii) Section 201.

(iv) Section 202.

(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 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 appealable by any person affected thereby 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 on or after the effective date of this Act.
SEC. 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. . . OPPORTUNITY OF CANDIDATES TO RESPOND TO NEGATIVE POLITICAL ADVERTISEMENTS SPONSORED BY NONCANDIDATES.

Section 322 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), (g), and (h), 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 the person attacking or opposing the candidate.

(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 the direct attack on or more clearly identified candidates, regardless of whether or not the communication expressly advocates a vote against the candidate.”.

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. 306. STUDY AND REPORT ON CLEAN MONEY ELECTION LAWS.

(a) CLEAN MONEY CLEAN ELECTIONS DEFINED.—In this section, the term ‘clean money clean elections’ means funds received by the 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 Comptroller General of the United States that may be paid from funds not subject to the limitations, prohibitions, and reporting requirements of this Act.

(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).

SA 161. Mr. LEVIN (for himself, Mr.Ensigh, 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 such person) may be paid from funds not subject to the limitations, prohibitions, and reporting requirements of this Act.

(2) APPLICABILITY.—

(A) CANDIDATE.—Any communication described in subsection (a) shall—

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

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

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

(B) ADDITIONAL REQUIREMENTS.—

(1) AUDIO REQUIREMENTS.—

(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 electronic communication shall include, in addition to the requirements of that paragraph, in a clearly readable manner, the name of the political committee or other person paying for the communication, the name of and the time of any radio or television program on which the communication will appear, and the 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.

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. . CHANGE IN LIMITATIONS.

(a) IN GENERAL.—Section 309(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)) is amended by striking "$25,000" and inserting "$100,000".

(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, to provide for a term of imprisonment not later than the later of—

(2) submission by the candidate of 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; and

(3) submission by the Congress of 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.

(2) Televisio—

(3) 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 for a foreign candidate or for a foreign political organization of the payor. If transmitted through television, the statement shall also include, in addition to the video statement, a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

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

(2) Televisio—

SEC. . AUTHORITY TO SEEK INJUNCTION.

(a) IN GENERAL.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437(a)) is amended by striking "6 months" and inserting "12 months".

(b) USE OF CANDIDATES' NAMES.

SEC. . INCREASE IN PENALTIES FOR KNOWING AND WILLFUL VIOLATIONS.

SEC. . USE OF CANDIDATES' NAMES.

(b) IN GENERAL.—The Federal Election Campaign Act of 1971 (2 U.S.C. 437(a)) 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) IN GENERAL.—The Federal Election Campaign Act of 1971 (2 U.S.C. 437(a)) 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".

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(b) IN GENERAL.—The Federal Election Campaign Act of 1971 (2 U.S.C. 437(a)) 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".
the use of the candidate’s name has been authorized by the candidate. The

SEC. 1. 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, that there is insufficient time to conduct proceedings before the election, summarily dismiss proceedings without prejudice to the interests of the parties; or

“(1) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) 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

“(2) 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

“(1) 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

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

SEC. 2. 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 “thereafter”: and

(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. 3. 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 in its stead 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 83 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 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 meeting 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 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, 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 Shirdak to be an Assistant Secretary of Commerce.

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

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Committee on Governmental 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.

COMMITTEE 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,