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Date 2/25/76

TO: Jack Marsh

FROM: CHARLES LEPPERT *CL*

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For Your Information XX

Per Our Conversation _____

Other:

94TH CONGRESS
2D SESSION

H. R. 12015

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1976

Mr. HAYS of Ohio (for himself, Mr. DENT, Mr. HAWKINS, Mr. ANNUNZIO, Mr. GAYDOS, Mr. JONES of Tennessee, Mr. MENISH, Mr. ROSE, and Mr. JOHN L. BURTON) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to provide that members of the Federal Election Commission shall be appointed by the President, by and with the advice and consent of the Senate, and for other purposes.

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

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Federal Elec-
5 tion Campaign Act Amendments of 1976".

I



1 TITLE I—AMENDMENTS TO FEDERAL ELECTION
2 CAMPAIGN ACT OF 1971

3 FEDERAL ELECTION COMMISSION MEMBERSHIP

4 SEC. 101. (a) (1) The second sentence of section 309
5 (a) (1) of the Federal Election Campaign Act of 1971 (2
6 U.S.C. 437c (a) (1)), as so redesignated by section 105,
7 hereinafter in this Act referred to as the "Act", is amended to
8 read as follows: "The Commission is composed of the Secre-
9 tary of the Senate and the Clerk of the House of Representa-
10 tives, ex officio and without the right to vote, and six mem-
11 bers appointed by the President of the United States, by
12 and with the advice and consent of the Senate."

13 (2) The last sentence of section 309 (a) (1) of the
14 Act (2 U.S.C. 437c (a) (1)), as so redesignated by section
15 105, is amended to read as follows: "No more than three
16 members of the Commission appointed under this paragraph
17 may be affiliated with the same political party."

18 (b) Section 309 (a) (2) of the Act (2 U.S.C. 437c
19 (a) (2)), as so redesignated by section 105, is amended to
20 read as follows:

21 "(2) (A) Members of the Commission shall serve for
22 terms of six years, except that of the members first
23 appointed—

24 "(i) one shall be appointed for a term of one year;

25 "(ii) one shall be appointed for a term of two years;

1 "(iii) one shall be appointed for a term of three
2 years;

3 "(iv) one shall be appointed for a term of four
4 years;

5 "(v) one shall be appointed for a term of five
6 years; and

7 "(vi) one shall be appointed for a term of six
8 years;

9 as designated by the President at the time of appointment,
10 except that of the members first appointed under this pro-
11 vision, no member affiliated with a political party shall be
12 appointed for a term that expires one year after another
13 member affiliated with the same political party.

14 "(B) An individual appointed to fill a vacancy oc-
15 ccurring other than by the expiration of a term of office
16 shall be appointed only for the unexpired term of the
17 member he succeeds.

18 "(C) Any vacancy occurring in the membership of
19 the Commission shall be filled in the same manner as in
20 the case of the original appointment."

21 (c) (1) Section 309 (a) (3) of the Act (2 U.S.C.
22 437c (a) (3)), as so redesignated by section 105, is amended
23 by adding at the end thereof the following new sentences:
24 "Members of the Commission shall not engage in any other
25 business, vocation, or employment. Any individual who is

1 engaging in any other business, vocation, or employment
 2 at the time such individual begins to serve as a member of
 3 the Commission shall terminate or liquidate such activity
 4 no later than one year after beginning to serve as such a
 5 member.”.

6 (2) Section 309 (b) of the Act (2 U.S.C. 437c (b)),
 7 as so redesignated by section 105, is amended to read as
 8 follows:

9 “(b) (1) The Commission shall administer, seek to
 10 obtain compliance with, and formulate policy with respect
 11 to, this Act and chapter 95 and chapter 96 of the Internal
 12 Revenue Code of 1954. The Commission shall have exclu-
 13 sive and primary jurisdiction with respect to the civil
 14 enforcement of such provisions.

15 “(2) Nothing in this Act shall be construed to limit,
 16 restrict, or diminish any investigatory, informational, over-
 17 sight, supervisory, or disciplinary authority or function of
 18 the Congress or any committee of the Congress with respect
 19 to elections for Federal office.”.

20 (3) The first sentence of section 309 (c) of the Act (2
 21 U.S.C. 437 (c)), as so redesignated by section 105, is
 22 amended by inserting immediately before the period at the
 23 end thereof the following: “, except that the affirmative vote
 24 of four members of the Commission shall be required in order
 25 for the Commission to establish guidelines for compliance

1 with the provisions of this Act or with chapter 95 or chapter
 2 96 of the Internal Revenue Code of 1954, or for the Com-
 3 mission to take any action in accordance with paragraph
 4 (6), (7), (8), or (10) of section 310 (a) ”.

5 (d) Section 309 of the Act (2 U.S.C. 437c), as so re-
 6 designated by section 105, is amended by adding at the end
 7 thereof the following new subsection:

8 “(g) The duties and functions of the Secretary of the
 9 Senate and the Clerk of the House of Representatives under
 10 this Act, as members of the Commission ex officio, shall be
 11 limited to—

12 “(1) the performance of duties under section 315
 13 (d); and

14 “(2) the transmission to the Commission of reports
 15 and statements received by the Secretary of the Senate
 16 or the Clerk of the House of Representatives under
 17 section 315 (d) (1).”.

18 (e) (1) The President shall appoint members of the
 19 Federal Election Commission under section 309 (a) of the
 20 Act (2 U.S.C. 437c (a)), as so redesignated by section 105
 21 and as amended by this section, as soon as practicable after
 22 the date of the enactment of this Act.

23 (2) The first appointments made by the President under
 24 section 309 (a) of the Act (2 U.S.C. 437c (a)), as so re-
 25 designated by section 105 and as amended by this section,

1 shall not be considered to be appointments to fill the unex-
 2 pired terms of members serving on the Federal Election
 3 Commission on the date of the enactment of this Act.

4 (3) Members serving on the Federal Election Commis-
 5 sion on the date of the enactment of this Act may continue to
 6 serve as such members until members are appointed and
 7 qualified under section 309 (a) of the Act (2 U.S.C. 437c
 8 (a)), as so redesignated by section 105 and as amended by
 9 this section, except that until appointed and qualified under
 10 this Act, members serving on such Commission on such date
 11 of enactment may, beginning on March 1, 1976, exercise
 12 only such powers and functions as may be consistent with
 13 the determinations of the Supreme Court of the United States
 14 in *Buckley et al. against Valeo, Secretary of the United*
 15 *States Senate, et al.* (numbered 75-436, 75-437) Janu-
 16 ary 30, 1976).

17 (f) The provisions of section 309 (a) (3) of the Act
 18 (2 U.S.C. 437c (a) (3)), as so redesignated by section 105,
 19 which prohibit any member of the Federal Election Com-
 20 mission from being an elected or appointed officer or em-
 21 ployee of the executive, legislative, or judicial branch of the
 22 Federal Government, shall not apply in the case of any
 23 individual serving as a member of such Commission on the
 24 date of the enactment of this Act.

1 CHANGES IN DEFINITIONS

2 SEC. 102. (a) Section 301 (a) (2) of the Act (2 U.S.C.
 3 431 (a) (2)) is amended by striking out "held to" and
 4 inserting in lieu thereof "which has authority to".

5 (b) Section 301 (e) (2) of the Act (2 U.S.C. 431 (e)
 6 (2)) is amended by inserting "written" immediately before
 7 "contract".

8 (c) Section 301 (f) (4) of the Act (2 U.S.C. 431 (f)
 9 (4)) is amended—

10 (1) by striking out "or" at the end of clause (F)
 11 and at the end of clause (G);

12 (2) by inserting "or" immediately after the semi-
 13 colon at the end of clause (H); and

14 (3) by inserting immediately after clause (H) the
 15 following new clause:

16 " (I) Any costs incurred by a candidate in con-
 17 nection with the solicitation of contributions by such
 18 candidate, except that this clause shall not apply
 19 with respect to costs incurred by a candidate in ex-
 20 cess of an amount equal to 20 per centum of the ex-
 21 penditure limitation applicable to such candidate
 22 under section 320 (b), except that any such costs
 23 shall be reported in accordance with section 304
 24 (b).".

1 (d) Section 301 of the Act (2 U.S.C. 431) is
2 amended—

3 (1) in paragraph (m) thereof, by striking out
4 “and” at the end thereof;

5 (2) in paragraph (n) thereof, by striking out the
6 period at the end thereof and inserting in lieu there-
7 of “; and”; and

8 (3) by adding at the end thereof the following new
9 paragraph:

10 “(o) ‘Act’ means the Federal Election Campaign Act
11 of 1971, as amended, by the Federal Election Campaign Act
12 Amendments of 1974 and this Act.”

13 ORGANIZATION OF POLITICAL COMMITTEES

14 SEC. 103. Section 302 of the Act (2 U.S.C. 432) is
15 amended by striking out subsection (e) and by redesignat-
16 ing subsection (f) as subsection (e).

17 REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

18 SEC. 104. (a) Section 304 (a) (1) of the Act (2 U.S.C.
19 434 (a) (1)) is amended by adding at the end of subpara-
20 graph (C) the following: “: *Provided further*, That in any
21 year in which a candidate is not on the ballot for election to
22 Federal office, such candidate and his authorized committees
23 shall only be required to file such reports not later than the
24 tenth day following the close of any calendar quarter in
25 which the candidate and his authorized committees received

1 contributions and made expenditures totaling in excess of
2 \$10,000, and such reports shall be complete as of the close
3 of such calendar quarter; except that any such report re-
4 quired to be filed after December 31 of any calendar year
5 with respect to which a report is required to be filed under
6 subparagraph (B) shall be filed as provided in such sub-
7 paragraph.”

8 (b) Section 304 (a) (2) of the Act (2 U.S.C. 434 (a)
9 (2)) is amended as follows: “Each treasurer of a political
10 committee authorized by a candidate to raise contributions
11 or make expenditures on his behalf, other than the candi-
12 date’s principal campaign committee, shall file the reports
13 required under this section with the candidate’s principal
14 campaign committee.”

15 (c) Section 304 (b) of the Act (2 U.S.C. 434 (b))
16 is amended—

17 (1) by striking out “and” at the end of paragraph
18 (12);

19 (2) by redesignating paragraph (13) as paragraph
20 (14); and

21 (3) by inserting immediately after paragraph (12)
22 the following new paragraph:

23 “(13) in the case of expenditures in excess of \$100
24 by a political committee other than an authorized com-
25 mittee of a candidate expressly advocating the election

1 or defeat of a clearly identified candidate, through a
 2 separate schedule (A) any information required by
 3 paragraph (9), stated in a manner which indicates
 4 whether the expenditures involved is in support of, or
 5 in opposition to, a candidate; and (B) under penalty
 6 of perjury, a certification whether such expenditure is
 7 made in cooperation, consultation, or concert, with, or
 8 at the request or suggestion of, any candidate or any
 9 authorized committee or agent of such candidate.”.

10 (d) Section 304 (e) of the Act (2 U.S.C. 434 (c)) is
 11 amended to read as follows:

12 “(e) (1) Every person (other than a political com-
 13 mittee or candidate) who makes contributions or expendi-
 14 tures expressly advocating the election or defeat of a clearly
 15 identified candidate, other than by contribution to a political
 16 committee or candidate, in an aggregate amount in excess of
 17 \$100 within a calendar year shall file with the Commission,
 18 on a form prepared by the Commission, a statement contain-
 19 ing the information required of a person who makes a con-
 20 tribution in excess of \$100 to a candidate or political com-
 21 mittee and the information required of a candidate or politi-
 22 cal committee receiving such a contribution.

23 “(2) Statements required by this subsection shall be
 24 filed on the dates on which reports by political committees

1 are filed. Such statements shall include (A) the information
 2 required by subsection (b) (9), stated in a manner indicat-
 3 ing whether the contribution or expenditure is in support of,
 4 or opposition to, the candidate; and (B) under penalty of
 5 perjury, a certification whether such expenditure is made in
 6 cooperation, consultation, or concert, with, or at the request
 7 or suggestion of, any candidate or any authorized committee
 8 or agent of such candidate. Any expenditure including but
 9 not limited to those described in subsection (b) (13) of
 10 \$1,000 or more made after the fifteenth day, but more than
 11 forty-eight hours, before any election shall be reported within
 12 forty-eight hours of such expenditure.

13 “(3) The Commission shall be responsible for expedi-
 14 tiously preparing indices which set forth, on a candidate-by-
 15 candidate basis, all expenditures separately including but not
 16 limited to those reported under subsection (b) (13) made
 17 with respect to each candidate, as reported under this sub-
 18 section, and for periodically issuing such indices on a timely
 19 preelection basis.”.

20 REPORTS BY CERTAIN PERSONS
 21 SEC. 105. Title III of the Act (2 U.S.C. 431 et seq.)
 22 is amended by striking out section 308 thereof (2 U.S.C.
 23 437a) and by redesignating section 309 through section 321
 24 as section 308 through section 320, respectively.

CAMPAIGN DEPOSITORIES

SEC. 106. The second sentence of section 308 (a) (1) of the Act (2 U.S.C. 437b (a) (1)), as so redesignated by section 105, is amended by inserting "single" immediately before "checking".

POWERS OF COMMISSION

SEC. 107. (a) Section 310 (a) of the Act (2 U.S.C. 437d (a)), as so redesignated by section 105, is amended—

(1) in paragraph (8) thereof, by inserting "develop such prescribed forms and to" immediately before "make", and by inserting immediately after "Act" the following: "and chapter 95 and chapter 96 of the Internal Revenue Code of 1954";

(2) in paragraph (9) thereof, by striking out "and sections 608" and all that follows through "States Code" and inserting in lieu thereof "and chapter 95 and chapter 96 of the Internal Revenue Code of 1954"; and

(3) by striking out paragraph (10) and redesignating paragraph (11) as paragraph (10).

(b) (1) Section 310 (a) (6) of the Act (2 U.S.C. 437d (a) (6)), as so redesignated by section 105, is amended to read as follows:

"(6) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief), defend

(in the case of any civil action brought under section 313 (a) (9)), or appeal any civil action in the name of the Commission for the purpose of enforcing the provisions of this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954, through its general counsel;"

(2) Section 310 of the Act (2 U.S.C. 437d), as so redesignated by section 105, is amended by adding at the end thereof the following new subsection:

"(e) Except as provided in section 313 (a) (9), the power of the Commission to initiate civil actions under subsection (a) (6) shall be the exclusive civil remedy for the enforcement of the provisions of this Act."

ADVISORY OPINIONS

SEC. 108. (a) Section 312 (a) of the Act (2 U.S.C. 437f (a)), as so redesignated by section 105, is amended to read as follows: "Upon written request to the Commission by any individual holding Federal office, any candidate for Federal office, the Democratic Caucus and the Republican Conference of each House of the Congress, or any political committee, and the national committee of any political party, the Commission shall render an advisory opinion, in writing, within a reasonable time with respect to whether any specific transaction or activity by such individual, candidate, or

1 political committee would constitute a violation of this
2 chapter or of chapter 95 or chapter 96 of the Internal
3 Revenue Code of 1954.”

4 (b) Section 312 (b) of the Act (2 U.S.C. 437f (b)), as
5 so redesignated by section 105, is amended as follows:

6 “(b) (1) Notwithstanding any other provision of law,
7 any person with respect to whom an advisory opinion is
8 rendered under subsection (a) who acts in good faith in
9 accordance with the provisions and findings of such advisory
10 opinion shall be presumed to be in compliance with the pro-
11 vision of this chapter 95 or chapter 96 of the Internal Rev-
12 enue Code of 1954, with respect to which such advisory
13 opinion is rendered.

14 “(2) (A) Any advisory opinion rendered by the Com-
15 mission under subsection (a) shall apply only to the person
16 requesting such advisory opinion and to any other person
17 directly involved in the specific transaction or activity with
18 respect to which such advisory opinion is rendered. The pro-
19 visions of any such advisory opinion shall be made generally
20 applicable by the Commission in accordance with the provi-
21 sions of subparagraph (B).

22 “(B) (i) The Commission shall, no later than thirty
23 days after rendering an advisory opinion with respect to a
24 request received under subsection (a), prescribe rules or
25 regulations relating to the transaction or activity involved if

1 the Commission determines that such transaction or activity
2 is not subject to any existing rule or regulation prescribed
3 by the Commission. In any such case in which the Com-
4 mission receives more than one request for an advisory
5 opinion, the Commission may not render more than one ad-
6 visory opinion relating to the transaction or activity involved.
7 “(ii) Any rule or regulation prescribed by the Com-
8 mission under this subparagraph shall be subject to the pro-
9 visions of section 315 (c).”

10 (c) Section 315 (c) (1) of the Act (2 U.S.C. 438 (c)
11 (1)), as so redesignated by section 105, is amended by
12 inserting “or under section 312 (b) (2) (B)” immediately
13 after “under this section”.

14 (d) The amendments made by subsection (a) shall
15 apply to any advisory opinion rendered by the Federal Elec-
16 tion Commission after October 15, 1974.

17 ENFORCEMENT

18 SEC. 109. Section 313 of the Act (2 U.S.C. 437g), as
19 so redesignated by section 105, is amended to read as fol-
20 lows:

21 “ENFORCEMENT

22 “SEC. 313. (a) (1) Any person who believes a viola-
23 tion of this Act or of chapter 95 or chapter 96 of the Internal
24 Revenue Code of 1954, has occurred may file a complaint
25 with the Commission. Such complaint shall be in writing,

1 shall be signed and sworn to by the person filing such com-
 2 plaint, and shall be notarized. Any person filing such a com-
 3 plaint shall be subject to the provisions of section 1001 of
 4 title 18, United States Code. The Commission may not con-
 5 duct any investigation under this section, or take any other
 6 action under this section, solely on the basis of a complaint
 7 of a person whose identity is not disclosed to the Commission.

8 “(2) The Commission, upon receiving a complaint un-
 9 der paragraph (1), or if it has reason to believe that any
 10 person has committed a violation of this Act or of chapter
 11 95 or chapter 96 of the Internal Revenue Code of 1954,
 12 shall notify the person involved of such apparent violation
 13 and shall make an investigation of such violation in accord-
 14 ance with the provisions of this section.

15 “(3) Any investigation under paragraph (2) shall be
 16 conducted expeditiously and shall include an investigation,
 17 conducted in accordance with the provisions of this section,
 18 of reports and statements filed by any complainant under this
 19 title, if such complainant is a candidate. Any notification or
 20 investigation made under paragraph (2) shall not be made
 21 public by the Commission or by any other person without
 22 the written consent of the person receiving such notification
 23 or the person with respect to whom such investigation is
 24 made.

25 “(4) The Commission shall, at the request of any person

1 who receives notice of an apparent violation under paragraph
 2 (2), afford such person a reasonable opportunity to demon-
 3 strate that no action should be taken against such person by
 4 the Commission under this Act.

5 “(5) (A) If the Commission determines that there is
 6 reason to believe that any person has committed or is about
 7 to commit a violation of this Act or of chapter 95 or chapter
 8 96 of the Internal Revenue Code of 1954, the Commission
 9 shall make every endeavor for a period of not less than thirty
 10 days to correct or prevent such violation by informal methods
 11 of conference, conciliation, and persuasion, and to enter into
 12 a conciliation agreement with the person involved. A concili-
 13 ation agreement, unless violated, shall constitute an absolute
 14 bar to any further action by the Commission, including bring-
 15 ing a civil proceeding under paragraph (B) of this section.

16 “(B) If the Commission is unable to correct or prevent
 17 any such violation by such informal methods, the Commission
 18 may, if the Commission determines there is probable cause to
 19 believe that a violation has occurred or is about to occur, in-
 20 stitute a civil action for relief, including a permanent or tem-
 21 porary injunction, restraining order, or any other appropriate
 22 order in the district court of the United States for the district
 23 in which the person against whom such action is found, re-
 24 sides, or transacts business.

1 “(C) In any civil action instituted by the Commission
2 under paragraph (B), the court shall grant a permanent or
3 temporary injunction, restraining order, or other order upon
4 a proper showing that the person involved has engaged or is
5 about to engage in a violation of this Act or of chapter 95 or
6 chapter 96 of the Internal Revenue Code of 1954.

7 “(D) If the Commission determines that there is prob-
8 able cause to believe that a knowing and willful violation as
9 defined in section 328 has occurred or is about to occur, it
10 may refer such apparent violation to the Attorney General of
11 the United States without regard to the limitations set forth
12 in paragraph (A) of this section.

13 “(6) If the Commission believes that there is clear and
14 convincing proof that a knowing and willful violation of the
15 Act or chapter 95 or 96 of the Internal Revenue Code of
16 1954 has been committed, any conciliation agreement en-
17 tered into by the Commission under paragraph (5) (A) may
18 include a requirement that the person involved in such con-
19 ciliation agreement shall pay a civil penalty which does not
20 exceed the greater of (A) \$10,000; or (B) an amount equal
21 to 300 per centum of the amount of any contribution or ex-
22 penditure involved in such violation. The Commission shall
23 make available to the public the results of any conciliation
24 attempt including any conciliation agreement entered into by

1 the Commission and any determination by the Commission
2 that no violation of the Act or chapter 95 or 96 of the Inter-
3 nal Revenue Code of 1954 has occurred. Any document con-
4 taining such information, and any such agreement shall be
5 signed by the general counsel of the Commission.

6 “(7) In any civil action for relief instituted by the
7 Commission under paragraph (5), if the court determines
8 that the Commission has established through clear and con-
9 vincing proof that the person involved in such civil action
10 has committed a knowing and willful violation of this Act or
11 of chapter 95 or 96 of the Internal Revenue Code of 1954,
12 the court may impose a civil penalty of not more than the
13 greater of (A) \$10,000; or (B) an amount equal to 300
14 per centum of the contribution or expenditure involved in
15 such violation. In any case in which such person has entered
16 into a conciliation agreement with the Commission under
17 paragraph (5) (A), the Commission may institute a civil
18 action for relief under paragraph (5) if it believes that such
19 person has violated any provision of such conciliation agree-
20 ment. In order for the Commission to obtain relief in any
21 such civil action, it shall be sufficient for the Commission
22 to establish that such person has violated, in whole or in
23 part, any requirement of such conciliation agreement.

24 “(8) In any action brought under paragraph (5) or

1 paragraph (7) of this subsection, subpoenas for witnesses
2 who are required to attend a United States district court may
3 run into any other district.

4 “(9) (A) Any party aggrieved by an order of the
5 Commission dismissing a complaint filed by such party under
6 paragraph (1), or by a failure on the part of the Commis-
7 sion to act on such complaint in accordance with the provi-
8 sions of this section within ninety days after the filing of
9 such complaint, may file a petition with the United States
10 District Court for the District of Columbia.

11 “(B) The filing of any action under subparagraph (A)
12 shall be made—

13 “(i) in the case of the dismissal of a complaint by
14 the Commission, no later than sixty days after such dis-
15 missal; or

16 “(ii) in the case of a failure on the part of the
17 Commission to act on such complaint, no later than
18 sixty days after the ninety-day period specified in sub-
19 paragraph (A).

20 “(C) In such proceeding the court may declare that the
21 dismissal of the complaint or the action, or the failure to act,
22 is contrary to law and may direct the Commission to proceed
23 in conformity with that declaration within thirty days, fail-
24 ing which the complainant may bring in his own name a
25 civil action to remedy the violation complained of.

1 “(10) The judgment of the district court may be ap-
2 pealed to the court of appeals and the judgment of the
3 court of appeals affirming or setting aside, in whole or in
4 part, any such order of the district court shall be final, sub-
5 ject to review by the Supreme Court of the United States
6 upon certiorari or certification as provided in section 1254
7 of title 28, United States Code.

8 “(11) Any action brought under this subsection shall
9 be advanced on the docket of the court in which filed, and
10 put ahead of all other actions (other than other actions
11 brought under this subsection or under section 314).

12 “(12) If the Commission determines after an investiga-
13 tion that any person has violated an order of the court
14 entered in a proceeding brought under paragraph (5) it
15 may petition the court for an order to adjudicate that per-
16 son in civil contempt, except that if it believes the viola-
17 tion to be knowing and willful it may instead petition the
18 court for an order to adjudicate that person in criminal
19 contempt.

20 “(b) In any case in which the Commission refers an
21 apparent violation to the Attorney General, the Attorney
22 General shall respond by report to the Commission with
23 respect to any action taken by the Attorney General regard-
24 ing such apparent violation. Each report shall be trans-
25 mitted no later than sixty days after the date the Commis-



1 sion refers any apparent violation, and at the close of every
2 thirty-day period thereafter until there is final disposition of
3 such apparent violation. The Commission may from time to
4 time prepare and publish reports on the status of such
5 referrals.”.

6 DUTIES OF COMMISSION

7 SEC. 110. (a) (1) Section 315 (a) (6) of the Act (2
8 U.S.C. 438 (a) (6)), as so redesignated by section 105, is
9 amended by inserting immediately before the semicolon at the
10 end thereof the following: “, and to compile and maintain a
11 separate cumulative index of reports and statements filed
12 with it by political committees supporting more than one
13 candidate, which shall include a listing of the date of the
14 registration of any such political committee and the date
15 upon which any such political committee qualifies to make
16 expenditures under section 320 of title 18, United States
17 Code, and which shall be revised on the same basis and at
18 the same time as the other cumulative indices required under
19 this paragraph”.

20 (2) Section 315 (a) (8) of the Act (2 U.S.C. 438 (a)
21 (8)), as so redesignated by section 105, is amended by in-
22 serting immediately before the semicolon at the end thereof
23 the following: “, and to give priority to auditing and field
24 investigating the verification for, and the receipt and use

1 of, any payments received by a candidate under chapter 95
2 or chapter 96 of the Internal Revenue Code of 1954”.

3 (b) Section 315 (c) (2) of the Act (2 U.S.C. 438
4 (c) (2)), as so redesignated by section 105, as amended—

5 (1) by inserting “, in whole or in part,” immedi-
6 ately after “disapprove”; and

7 (2) by inserting immediately after the second sen-
8 tence thereof the following new sentences: “Whenever
9 a committee of the House of Representatives reports any
10 resolution relating to any such rule or regulation, it is at
11 any time thereafter in order (even though a previous
12 motion to the same effect has been disagreed to) to move
13 to proceed to the consideration of the resolution. The mo-
14 tion is highly privileged and is not debatable. An amend-
15 ment to the motion is not in order, and it is not in order
16 to move to reconsider the vote by which the motion is
17 agreed to or disagreed to.”.

18 ADDITIONAL ENFORCEMENT AUTHORITY

19 SEC. 111. Section 407 (a) of the Act (2 U.S.C. 456
20 (a)) is amended by inserting immediately after “such title
21 III,” the following: “the Commission shall make every en-
22 deavor for a period of not less than thirty days to correct
23 such failure by informal methods of conference, conciliation;

1 and persuasion. If the Commission fails to correct such fail-
2 ure through such informal methods, then”.

3 CONTRIBUTION AND EXPENDITURE LIMITATIONS

4 SEC. 112. Title III of the Act (2 U.S.C. 431 et seq.),

5 as amended by section 105, is further amended by striking

6 section 316 as redesignated by section 105 and by redesignig-

7 nating section 320 as section 328 and by inserting immedi-

8 ately after section 319 and after section 315 as redesignated

9 by section 105 respectively the following new sections:

10 “LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES

11 “SEC. 320. (a) (1) Except as otherwise provided by

12 paragraphs (2) and (3), no person shall make contribu-

13 tions to any candidate with respect to any election for Fed-

14 eral office which, in the aggregate, exceed \$1,000, or to any

15 political committee in any calendar year which exceed, in

16 the aggregate, \$1,000.

17 “(2) No political committee (other than a principal

18 campaign committee) shall make contributions to (A) any

19 candidate with respect to any election for Federal office

20 which, in the aggregate, exceed \$5,000; or (B) to any

21 political committee which, in the aggregate, exceed \$5,000.

22 Contributions by the national committee of a political party

23 serving as the principal campaign committee of a candidate

24 for the office of President of the United States shall not

25 exceed the limitation imposed by the preceding sentence

1 with respect to any other candidate for Federal office. For

2 purposes of this paragraph, the term ‘political committee’

3 means an organization registered as a political committee

4 under section 303 for a period of not less than six months

5 which has received contributions from more than fifty per-

6 sons and, except for any State political party organization,

7 has made contributions to five or more candidates for Federal

8 office. For purposes of the limitations provided by paragraph

9 (1) and this paragraph, all contributions made by political

10 committees established, financed, maintained, or controlled

11 by any person, including any parent, subsidiary, branch,

12 division, department, or local unit of such person, or by any

13 group of persons, shall be considered to have been made

14 by a single political committee, except that (A) nothing

15 in this sentence shall limit transfers between political com-

16 mittees of funds raised through joint fundraising efforts; and

17 (B) this paragraph shall not apply to a political committee

18 established, financed, or maintained by the national com-

19 mittee, or to a political committee established, financed, or

20 maintained by the State committee of a political party.

21 “(3) No individual shall make contributions aggregating

22 more than \$25,000 in any calendar year. For purposes of this

23 paragraph, any contribution made to a candidate in a year

24 other than the calendar year in which the election is held

25 with respect to which such contribution was made, is con-

1 sidered to be made during the calendar year in which such
2 election is held.

3 “(4) For purposes of this subsection—

4 “(A) contributions to a named candidate made to
5 any political committee authorized by such candidate to
6 accept contributions on his behalf shall be considered to
7 be contributions made to such candidate;

8 “(B) (i) expenditures made by any person in coop-
9 eration, consultation, or concert, with, or at the request
10 or suggestion of, a candidate, his authorized political
11 committees, or their agents, shall be considered to be a
12 contribution to such candidate;

13 “(ii) the financing by any person of the dissemina-
14 tion, distribution, or republication, in whole or in part,
15 of any broadcast or any written, graphic, or other form
16 of campaign materials prepared by the candidate, his
17 campaign committees or their authorized agents shall be
18 considered to be an expenditure for purposes of this
19 paragraph; and

20 “(C) contributions made to or for the benefit of
21 any candidate nominated by a political party for election
22 to the office of Vice President of the United States shall
23 be considered to be contributions made to or for the bene-
24 fit of the candidate of such party for election to the office
25 of President of the United States.

1 “(5) The limitations imposed by paragraphs (1) and
2 (2) of this subsection shall apply separately with respect
3 to each election, except that all elections held in any calendar
4 year for the office of President of the United States (except
5 a general election for such office) shall be considered to be
6 one election.

7 “(6) For purposes of the limitations imposed by this
8 section, all contributions made by a person, either directly
9 or indirectly, on behalf of a particular candidate, including
10 contributions which are in any way earmarked or otherwise
11 directed through an intermediary or conduit to such candi-
12 date, shall be treated as contributions from such person to
13 such candidate. The intermediary or conduit shall report the
14 original source and the intended recipient of such contribution
15 to the Commission and to the intended recipient.

16 “(b) No candidate for the office of President of the
17 United States who is eligible under section 9003 of the
18 Internal Revenue Code of 1954 (relating to condition for
19 eligibility for payments) or under section 9033 of the Inter-
20 nal Revenue Code of 1954 (relating to eligibility for pay-
21 ments) to receive payments from the Secretary of the Treas-
22 ury or his delegate may make expenditures in excess of—

23 “(A) \$10,000,000, in the case of a campaign for
24 nomination for election to such office, except the aggre-
25 gate of expenditures under this subparagraph in any one

1 State shall not exceed twice the greater of 8 cents multi-
 2 plied by the voting age population of the State (as certi-
 3 fied under subsection (f)), or \$100,000; or

4 “(B) \$20,000,000 in the case of a campaign for
 5 election to such office.

6 “(2) For purposes of this subsection—

7 “(A) expenditures made by or on behalf of any
 8 candidate nominated by a political party for election to
 9 the office of Vice President of the United States shall be
 10 considered to be expenditures made by or on behalf of
 11 the candidate of such party for election to the office of
 12 President of the United States; and

13 “(B) an expenditure is made on behalf of a candi-
 14 date, including a Vice Presidential candidate, if it is
 15 made by—

16 “(i) an authorized committee or any other
 17 agent of the candidate for the purposes of making
 18 any expenditure; or

19 “(ii) any person authorized or requested by the
 20 candidate, an authorized committee of the candidate,
 21 or an agent of the candidate, to make the expendi-
 22 ture.

23 “(c) (1) At the beginning of each calendar year (com-
 24 mencing in 1976), as there become available necessary data
 25 from the Bureau of Labor Statistics of the Department of

1 Labor, the Secretary of Labor shall certify to the Commis-
 2 sion and publish in the Federal Register the per centum
 3 difference between the price index for the twelve months
 4 preceding the beginning of such calendar year and the price
 5 index for the base period. Each limitation established by sub-
 6 section (b) and subsection (d) shall be increased by such
 7 per centum difference. Each amount so increased shall be the
 8 amount in effect for such calendar year.

9 “(2) For purposes of paragraph (1) —

10 “(A) The term ‘price index’ means the average over
 11 a calendar year of the Consumer Price Index (all
 12 items—United States city average) published monthly
 13 by the Bureau of Labor Statistics; and

14 “(B) the term ‘base period’ means the calendar
 15 year 1974.

16 “(d) (1) Notwithstanding any other provision of law
 17 with respect to limitations on expenditures or limitations on
 18 contributions, the national committee of a political party and
 19 a State committee of a political party, including any sub-
 20 ordinate committee of a State committee, may make ex-
 21 penditures in connection with the general election campaign
 22 of candidates for Federal office, subject to the limitations
 23 contained in paragraphs (2) and (3) of this subsection.

24 “(2) The national committee of a political party may
 25 not make any expenditure in connection with the general

1 election campaign of any candidate for President of the
 2 United States who is affiliated with such party which exceeds
 3 an amount equal to 2 cents multiplied by the voting age
 4 population of the United States (as certified under subsec-
 5 tion (g)). Any expenditure under this paragraph shall be
 6 in addition to any expenditure by a national committee
 7 of a political party serving as the principal campaign com-
 8 mittee of a candidate for the office of the President of the
 9 United States.

10 “(3) The national committee of a political party, or
 11 a State committee of a political party, including any sub-
 12 ordinate committee of a State committee, may not make any
 13 expenditure in connection with the general election cam-
 14 paign of a candidate for Federal office in a State who is
 15 affiliated with such party which exceeds—

16 “(A) in the case of a candidate for election to
 17 the office of Senator, or of Representative from a State
 18 which is entitled to only one Representative, the
 19 greater of—

20 “(i) 2 cents multiplied by the voting age popu-
 21 lation of the State (as certified under subsection
 22 (g)); or

23 “(ii) \$20,000; and

24 “(B) in the case of a candidate for election to the

1 office of Representative, Delegate, or Resident Com-
 2 missioner in any other State, \$10,000.

3 “(e) During the first week of January 1975, and every
 4 subsequent year, the Secretary of Commerce shall certify
 5 to the Commission and publish in the Federal Register an
 6 estimate of the voting age population of the United States,
 7 of each State, and of each congressional district as of the
 8 first day of July next preceding the date of certification.
 9 The term ‘voting age population’ means resident population,
 10 eighteen years of age or older.

11 “(f) No candidate or political committee shall know-
 12 ingly accept any contribution or make any expenditure in
 13 violation of the provisions of this section. No officer or em-
 14 ployee of a political committee shall knowingly accept a
 15 contribution made for the benefit or use of a candidate, or
 16 knowingly make any expenditure on behalf of a candidate,
 17 in violation of any limitation imposed on contributions and
 18 expenditures under this section.

19 “(g) The Commission shall prescribe rules under which
 20 any expenditure by a candidate for Presidential nomination
 21 for use in two or more States shall be attributed to such
 22 candidate’s expenditure limitation in each such State, based
 23 on the voting age population in such State which can reason-
 24 ably be expected to be influenced by such expenditure.

1 "CONTRIBUTIONS OR EXPENDITURES BY NATIONAL BANKS,
2 CORPORATIONS, OR LABOR ORGANIZATIONS

3 "SEC. 321. (a) It is unlawful for any national bank, or
4 any corporation organized by authority of any law of Con-
5 gress, to make a contribution or expenditure in connection
6 with any election to any political office, or in connection with
7 any primary election or political convention or caucus held
8 to select candidates for any political office, or for any corpo-
9 ration whatever, or any labor organization to make a contri-
10 bution or expenditure in connection with any election at
11 which Presidential and Vice Presidential electors or a Sena-
12 tor or Representative in, or a Delegate or Resident Commis-
13 sioner to Congress are to be voted for, or in connection with
14 any primary election or political convention, or caucus held
15 to select candidates for any of the foregoing offices, or for any
16 candidate, political committee, or other person to accept or
17 receive any contribution prohibited by this section.

18 "(b) For the purposes of this section 'labor organiza-
19 tion' means any organization of any kind, or any agency or
20 employee representation committee or plan, in which employ-
21 ees participate and which exist for the purpose, in whole or
22 in part, or dealing with employers concerning grievances;
23 labor disputes, wages, rates of pay, hours of employment, or
24 conditions of work. As used in this section, the phrase 'con-
25 tribution or expenditure' shall include any direct or indirect

1 payment, distribution, loan, advance, deposit, or gift of
2 money, or any services, or anything of value (except a loan
3 of money by a national or State bank made in accordance
4 with the applicable banking laws and regulations and in the
5 ordinary course of business) to any candidate, campaign
6 committee, or political party or organization, in connection
7 with any election to any of the offices referred to in this sec-
8 tion; but shall not include communications by a corporation
9 to its stockholders and executive officers and their families or
10 by a labor organization to its members and their families on
11 any subject; nonpartisan registration and get-out-the-vote
12 campaigns by a corporation aimed at its stockholders and
13 executive officers and their families, or by a labor organiza-
14 tion aimed at its members and their families; the establish-
15 ment, administration, and solicitation of contributions to a
16 ~~separate segregated~~ fund to be utilized for political purposes
17 by a corporation or labor organization: *Provided*, That it
18 shall be unlawful for such a fund to make a contribution or
19 expenditure by utilizing money or anything of value secured
20 by physical force, job discrimination, financial reprisals, or
21 the threat of force, job discrimination, or financial reprisal;
22 or by dues, fees, or other moneys required as a condition of
23 membership in a labor organization or as a condition of
24 employment, or by moneys obtained in any commercial
25 transaction: *And provided further*, That it shall be unlawful

1 for a corporation or a separate segregated fund created by a
 2 corporation to solicit contributions from any person other
 3 than its stockholders, executive officers, and their families or
 4 for a labor organization or a separate segregated fund created
 5 by a labor organization to solicit contributions from any per-
 6 son other than its members and their families: *And provided*
 7 *further*, That notwithstanding any other law, any method of
 8 soliciting voluntary contributions or of facilitating the making
 9 of voluntary contributions to a separate segregated fund
 10 established by a corporation, permitted to corporations, shall
 11 also be permitted to labor organizations: *And provided*
 12 *further*, That any corporation that utilizes a method of
 13 soliciting voluntary contributions or facilitating the making
 14 of voluntary contributions, shall make available, on written
 15 request, that method to a labor organization representing
 16 any members working for that corporation. For the purposes
 17 of this section the term 'executive officer' means an individual
 18 employed by a corporation who is paid on a salary rather
 19 than hourly basis and who has policymaking and supervisory
 20 responsibilities.

21 "CONTRIBUTIONS BY GOVERNMENT CONTRACTORS"

22 "SEC. 322. (a) It shall be unlawful for any person who
 23 enters—

24 "(1) into any contract with the United States or
 25 any department or agency thereof either for the rendi-

1 tion of personal services or furnishing any material,
 2 supplies, or equipment to the United States or any
 3 department or agency thereof or for selling any land or
 4 building to the United States or any department or
 5 agency thereof; if payment for the performance of such
 6 contract or payment for such material, supplies, equip-
 7 ment, land, or building is to be made in whole or in part
 8 from funds appropriated by the Congress, at any time
 9 between the commence of negotiations for and the later
 10 of (A) the completion of performance under, or (B)
 11 the termination of negotiations for, such contract or
 12 furnishing of material, supplies, equipment, land, or
 13 buildings, directly or indirectly makes any contribution
 14 of money or other thing of value; or promises expressly
 15 or impliedly to make any such contribution, to any polit-
 16 ical party, committee, or candidate for public office or
 17 to any person for any political purpose or use; or

18 "(2) or to solicit any such contribution from any
 19 such person for any such purpose during any such
 20 period.

21 "(b) This section does not prohibit or make unlawful
 22 the establishment or administration of, or the solicitation of
 23 contributions to, any separate segregated fund by any cor-
 24 poration or labor organization for the purpose of influencing
 25 the nomination for election, or election, of any person to

1 Federal office, unless the provisions of section 321 of this
2 title prohibit or make unlawful the establishment or adminis-
3 tration of, or the solicitation of contributions to, such fund.
4 “(c) For purposes of this section, the term ‘labor orga-
5 nization’ has the meaning given it by section 321 of this
6 title.

7 “PUBLICATION OR DISTRIBUTION OF POLITICAL
8 STATEMENTS

9 “SEC. 323. Whenever any person makes an expenditure
10 for the purpose of financing communications expressly ad-
11 vocating the election or defeat of a clearly identified candi-
12 date through broadcasting stations, newspapers, magazines,
13 outdoor advertising facilities, direct mails, and other similar
14 types of general public political advertising, such communi-
15 cation—

16 “(1) if authorized by a candidate, his authorized
17 political committees or their agents, shall clearly and
18 conspicuously, in accordance with regulations prescribed
19 by the Commission, state that the communication has
20 been so authorized; or

21 “(2) if not authorized in accordance with para-
22 graph (1), shall clearly and conspicuously, in accord-
23 ance with regulations prescribed by the Federal Election
24 Commission, state that the communication is not au-
25 thorized by any candidate, and state the name of the

1 person that made or financed the expenditure for the
2 communication, including, the case of a political com-
3 mittee, the name of any affiliated or connected organi-
4 zation as stated in section 303 (b) (2).

5 “CONTRIBUTIONS BY FOREIGN NATIONALS

6 “SEC. 324. (a) It shall be unlawful for a foreign na-
7 tional directly or through any other person to make any con-
8 tribution of money or other thing of value, or promises
9 expressly or impliedly to make any such contribution, in con-
10 nection with an election to any political office or in connec-
11 tion with any primary election, convention, or caucus held
12 to select candidates for any political office; or for any person
13 to solicit, accept, or receive any such contribution from any
14 such foreign national.

15 “(b) As used in this section, the term ‘foreign national’
16 means—

17 “(1) a foreign principal, as such term is defined by
18 section 1 (b) of the Foreign Agents Registration Act of
19 1938 (22 U.S.C. 611 (b)), except that the term ‘foreign
20 national’ shall not include any individual who is a citizen
21 of the United States; or

22 “(2) an individual who is not a citizen of the United
23 States and who is not lawfully admitted for permanent
24 residence, as defined by section 101 (a) (20) of the Immi-
25 gration and Nationality Act (8 U.S.C. 1101 (a) (20)).

1 "PROHIBITION OF CONTRIBUTIONS IN NAME OF

2 ANOTHER

3 "SEC. 325. No person shall make a contribution in
4 the name of another person or knowingly permit his
5 name to be used to effect such a contribution, and no
6 person shall knowingly accept a contribution made by
7 one person in the name of another person.

8 "LIMITATION ON CONTRIBUTIONS OF CURRENCY

9 "SEC. 326. No person shall make contributions of
10 currency of the United States or currency of any foreign
11 country to or for the benefit of any candidate which, in
12 the aggregate, exceeds \$100, with respect to any cam-
13 paign of such candidate for nomination for election, or
14 for election, to Federal office.

15 "ACCEPTANCE OF EXCESSIVE HONORARIUMS

16 "SEC. 327. No person while an elected or appointed
17 officer or employee of any branch of the Federal Govern-
18 ment shall accept—

19 "(1) any honorarium of more than \$1,000 (exclud-
20 ing amounts accepted for actual travel and subsist-
21 ence expenses) for any appearance, speech, or article; or

22 "(2) honorariums (not prohibited by paragraph
23 (1) of this section) aggregating more than \$15,000 in
24 any calendar year.

1 "PENALTY FOR VIOLATIONS

2 "SEC. 328. Any person, following the enactment of this
3 section, who knowingly and willfully commits a violation of
4 any provision or provisions of this Act which involves the
5 making, receiving, or reporting of any contribution or
6 expenditure having a value in the aggregate of \$5,000 or
7 more during a calendar year shall be fined in an amount
8 which does not exceed the greater of \$25,000 or 300 per
9 centum of the amount of any contribution or expenditure
10 involved in such violation, imprisoned for not more than one
11 year, or both.

12 "FRAUDULENT MISREPRESENTATION OF CAMPAIGN

13 AUTHORITY

14 "SEC. 316. No person, being a candidate for Federal
15 office or an employee or agent of such a candidate shall—

16 "(1) fraudulently misrepresent himself or any com-
17 mittee or organization under his control as speaking or
18 writing or otherwise acting for or on behalf of any other
19 candidate or political party or employee or agent thereof
20 on a matter which is damaging to such other candidate or
21 political party or employee or agent thereof; or

22 "(2) participate in or conspire to participate in any
23 plan, scheme, or design to violate paragraph (1)."

SAVINGS PROVISION ON REPEALED SECTIONS

SEC. 113. Title III of the Act (2 U.S.C. 431 et seq.), as amended by sections 105 and 112 is further amended by adding the following new section:

"SAVINGS PROVISION ON REPEALED SECTIONS

"SEC. 329. Except as otherwise provided by the Act, the repeal by this Act of any section or penalties shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such sections or penalties, and such sections or penalties shall be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of any penalty, forfeiture, or liability."

PRINCIPAL CAMPAIGN COMMITTEES

SEC. 114. Section 302 (f) of the Act (2 U.S.C. 432 (f)) is amended by adding at the end thereof the following new sentence: "Any occasional, isolated, or incidental support of a candidate shall not be construed as support of such candidate for purposes of the preceding sentence."

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 115. (a) Section 306 (d) of the Act (2 U.S.C. 436 (d)) is amended by inserting immediately after "304 (a) (1) (C)," the following: "304 (c),".

(b) (1) Section 310 (a) (7) of the Act (2 U.S.C. 437d (a) (7)), as so redesignated by section 105, is amended by striking out "313" and inserting in lieu thereof "312".

(c) (1) Section 9002 (3) of the Internal Revenue Code of 1954 (defining Commission) is amended by striking out "310 (a) (1)" and inserting in lieu thereof "309 (a) (1)".

(2) Section 9032 (3) of the Internal Revenue Code of 1954 (defining Commission) is amended by striking out "310 (a) (1)" and inserting in lieu thereof "309 (a) (1)".

TITLE II—AMENDMENTS TO TITLE 18,

UNITED STATES CODE

REPEAL OF CERTAIN PROVISIONS

SEC. 201. (a) Chapter 29 of title 18, United States Code, is amended by striking out sections 591, 608, 610, 611, 612, 613, 614, 615, 616, and 617.

(b) The table of sections for chapter 29 of title 18, United States Code, is amended by striking out the items relating to sections 591, 608, 610, 611, 612, 613, 614, 615, 616, and 617.

TITLE III—AMENDMENTS TO INTERNAL

REVENUE CODE OF 1954

ENTITLEMENT OF ELIGIBLE CANDIDATES FOR PAYMENTS

SEC. 301. Section 9004 of the Internal Revenue Code of 1954 (relating to entitlement of eligible candidates to payments) is amended by adding at the end thereof the following new subsections:

1 “(d) EXPENDITURES FROM PERSONAL FUNDS.—In
2 order to be eligible to receive any payment under section
3 9006, the candidate of a major, minor, or new party in a
4 Presidential election shall certify to the Commission, under
5 penalty of perjury, that such candidate shall not knowingly
6 make expenditures from his personal funds, or the personal
7 funds of his immediate family, in connection with his cam-
8 paign for election to the office of President in excess of, in
9 the aggregate, \$50,000. For purposes of this subsection,
10 expenditures from personal funds made by a Vice-Presi-
11 dential candidate of a major, minor, or new party in a Presi-
12 dential election shall be considered to be expenditures by the
13 Presidential candidate of such party.

14 “(e) DEFINITION OF IMMEDIATE FAMILY.—For pur-
15 poses of subsection (d), the term ‘immediate family’ means
16 a candidate’s spouse, and any child, parent, grandparent,
17 brother, or sister of the candidate, and the spouses of such
18 persons.”.

19 PAYMENTS TO ELIGIBLE CANDIDATES

20 SEC. 302. Section 9006 of the Internal Revenue Code
21 of 1954 (relating to payments to eligible candidates) is
22 amended by striking out subsection (b) thereof and by
23 redesignating subsection (c) and subsection (d) as sub-
24 section (b) and subsection (c), respectively.

1 REVIEW OF REGULATIONS

2 SEC. 303. (a) Section 9009 (c) (2) of the Internal
3 Revenue Code of 1954 (relating to review of regulations)
4 is amended—

5 (1) by inserting “, in whole or in part,” immedi-
6 ately after “disapprove”; and

7 (2) by inserting immediately after the first sen-
8 tence thereof the following new sentences: “Whenever
9 a committee of the House of Representatives reports
10 any resolution relating to any such rule or regulation,
11 it is at any time thereafter in order (even though a
12 previous motion to the same effect has been disagreed
13 to) to move to proceed to the consideration of the
14 resolution. The motion is highly privileged and is not
15 debatable. An amendment to the motion is not in order,
16 and it is not in order to move to reconsider the vote
17 by which the motion is agreed to or disagreed to.”.

18 (b) Section 9039 (c) (2) of the Internal Revenue Code
19 of 1954 (relating to review of regulations) is amended—

20 (1) by inserting “, in whole or in part,” immedi-
21 ately after “disapprove”; and

22 (2) by inserting immediately after the first sen-
23 tence thereof the following new sentences: “Whenever
24 a committee of the House of Representatives reports any

1 resolution relating to any such rule or regulation, it is at
 2 any time thereafter in order (even though a previous
 3 motion to the same effect has been disagreed to) to move
 4 to proceed to the consideration of the resolution. The
 5 motion is highly privileged and is not debatable. An
 6 amendment to the motion is not in order, and it is not
 7 in order to move to reconsider the vote by which the
 8 motion is agreed to or disagreed to.”.

9 ELIGIBILITY FOR PAYMENTS

10 SEC. 304. Section 9033 (b) (1) of the Internal Revenue
 11 Code of 1954 (relating to expense limitation; declaration of
 12 intent; minimum contributions) is amended by striking out
 13 “limitation” and inserting in lieu thereof “limitations”.

14 QUALIFIED CAMPAIGN EXPENSE LIMITATION

15 SEC. 305. (a) Section 9035 of the Internal Revenue
 16 Code of 1954 (relating to qualified campaign expense lim-
 17 itation) is amended—

18 (1) in the heading thereof, by striking out “LIMITA-
 19 TION” and inserting in lieu thereof “LIMITATIONS”;

20 (2) by inserting “(a) EXPENDITURE LIMITA-
 21 TIONS.—” immediately before “No candidate”;

22 (3) by inserting immediately after “States Code”
 23 the following: “, and no candidate shall knowingly make
 24 expenditures from his personal funds, or the personal
 25 funds of his immediate family, in connection with his

1 campaign for nomination for election to the office of
 2 President in excess of, in the aggregate, \$50,000”; and

3 (4) by adding at the end thereof the following new
 4 subsection:

5 “(b) DEFINITION OF IMMEDIATE FAMILY.—For pur-
 6 poses of this section, the term ‘immediate family’ means a
 7 candidate’s spouse, and any child, parent, grandparent,
 8 brother, or sister of the candidate, and the spouses of such
 9 persons.”.

10 (h) The table of sections for chapter 96 of the In-
 11 ternal Revenue Code of 1954 is amended by striking out
 12 the item relating to section 9035 and inserting in lieu thereof
 13 the following new item:

“Sec. 9035. Qualified campaign expense limitations.”.

14 TECHNICAL AND CONFORMING AMENDMENTS

15 SEC. 306. (a) Section 9008 (b) (5) of the Internal
 16 Revenue Code of 1954 (relating to adjustment of entitle-
 17 ments) is amended—

18 (1) by striking out “section 608 (c) and section
 19 608 (f) of title 18, United States Code,” and inserting
 20 in lieu thereof “section 320 (b) and section 320 (d) of
 21 the Federal Election Campaign Act of 1971”; and

22 (2) by striking out “section 608 (d) of such title”
 23 and inserting in lieu thereof “section 320 (c) of such
 24 Act”.

1 (b) Section 9034 (b) of the Internal Revenue Code of
2 1954 (relating to limitations) is amended by striking out
3 "section 608 (c) (1) (A) of title 18, United States Code,"
4 and inserting in lieu thereof "section 320 (b) (1) (A) of the
5 Federal Election Campaign Act of 1971".

6 (c) Section 9035 (a) of the Internal Revenue Code of
7 1954 (relating to expenditure limitations), as so redesignated
8 by section 305 (a), is amended by striking out "section
9 608 (c) (1) (A) of title 18, United States Code," and in-
10 serting in lieu thereof "section 320 (b) (1) (A) of the Fed-
11 eral Election Campaign Act of 1971".

A BILL

To amend the Federal Election Campaign Act of 1971 to provide that members of the Federal Election Commission shall be appointed by the President, by and with the advice and consent of the Senate, and for other purposes.

By Mr. HAYS of Ohio, Mr. DENT, Mr. HAWKINS, Mr. ANNUNZIO, Mr. GAYDOS, Mr. JONES of Tennessee, Mr. MINISH, Mr. ROSE, and Mr. JOHN L. BURTON

FEBRUARY 23, 1976

Referred to the Committee on House Administration

94TH CONGRESS
2D SESSION

H. R. 12406

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1976

Mr. HAYS of Ohio (for himself, Mr. THOMPSON, Mr. DENT, Mr. BRADEMAS, Mr. HAWKINS, Mr. ANNUNZIO, Mr. GAYDOS, Mr. JONES of Tennessee, Mr. MINISH, Mr. ROSE, and Mr. JOHN L. BURTON) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to provide that members of the Federal Election Commission shall be appointed by the President, by and with the advice and consent of the Senate, and for other purposes.

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

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Federal
5 Election Campaign Act Amendments of 1976".



1 TITLE I—AMENDMENTS TO FEDERAL ELECTION
2 CAMPAIGN ACT OF 1971

3 FEDERAL ELECTION COMMISSION MEMBERSHIP

4 SEC. 101. (a) (1) The second sentence of section 309

5 (a) (1) of the Federal Election Campaign Act of 1971 (2
6 U.S.C. 473c(a) (1)), as so redesignated by section 105,
7 hereinafter in this Act referred to as the "Act", is amended
8 to read as follows: "The Commission is composed of the
9 Secretary of the Senate and the Clerk of the House of Rep-
10 resentatives, ex officio and without the right to vote, and 6
11 members appointed by the President of the United States,
12 by and with the advice and consent of the Senate."

13 (2) The last sentence of section 309 (a) (1) of the Act
14 (2 U.S.C. 437c(a) (1)), as so redesignated by section
15 105, is amended to read as follows: "No more than 3 mem-
16 bers of the Commission appointed under this paragraph may
17 be affiliated with the same political party."

18 (b) Section 309 (a) (2) of the Act (2 U.S.C. 437c
19 (a) (2)), as so redesignated by section 105, is amended to
20 read as follows:

21 "(2) (A) Members of the Commission shall serve for
22 terms of 6 years, except that of the members first appointed—

23 "(i) one shall be appointed for a term of 1 year;

24 "(ii) one shall be appointed for a term of 2 years;

25 "(iii) one shall be appointed for a term of 3 years;

1 "(iv) one shall be appointed for a term of 4 years;

2 "(v) one shall be appointed for a term of 5 years;

3 and

4 "(vi) one shall be appointed for a term of 6 years;

5 as designated by the President at the time of appointment,

6 except that of the members first appointed under this sub-

7 paragraph, no member affiliated with a political party shall

8 be appointed for a term that expires 1 year after another

9 member affiliated with the same political party.

10 "(B) A member of the Commission may serve on the

11 Commission after the expiration of his term until his suc-

12 cessor has taken office as a member of the Commission.

13 "(C) An individual appointed to fill a vacancy oc-

14 ccurring other than by the expiration of a term of office

15 shall be appointed only for the unexpired term of the

16 member he succeeds.

17 "(D) Any vacancy occurring in the membership of

18 the Commission shall be filled in the same manner as in

19 the case of the original appointment."

20 (c) (1) Section 309 (a) (3) of the Act (2 U.S.C.

21 437c(a) (3)), as so redesignated by section 105, is amended

22 by adding at the end thereof the following new sentences:

23 "Members of the Commission shall not engage in any other

24 business, vocation, or employment. Any individual who is

25 engaging in any other business, vocation, or employment

1 at the time such individual begins to serve as a member of
2 the Commission shall terminate or liquidate such activity
3 no later than 1 year after beginning to serve as such a
4 member.”.

5 (2) Section 309 (b) of the Act (2 U.S.C. 437c (b)),
6 as so redesignated by section 105, is amended to read as
7 follows:

8 “(b) (1) The Commission shall administer, seek to
9 obtain compliance with, and formulate policy with respect
10 to, this Act and chapter 95 and chapter 96 of the Internal
11 Revenue Code of 1954. The Commission shall have exclu-
12 sive primary jurisdiction with respect to the civil enforce-
13 ment of such provisions.

14 “(2) Nothing in this Act shall be construed to limit,
15 restrict, or diminish any investigatory, informational, over-
16 sight, supervisory, or disciplinary authority or function of
17 the Congress or any committee of the Congress with respect
18 to elections for Federal office.”.

19 (3) The first sentence of section 309 (c) of the Act (2
20 U.S.C. 437 (c)), as so redesignated by section 105, is
21 amended by inserting immediately before the period at the
22 end thereof the following: “, except that the affirmative vote
23 of 4 members of the Commission shall be required in order
24 for the Commission to establish guidelines for compliance
25 with the provisions of this Act or with chapter 95 or chapter

1 96 of the Internal Revenue Code of 1954, or for the Com-
2 mission to take any action in accordance with paragraph
3 (6), (7), (8), or (10) of section 310 (a) ”.

4 (d) (1) The President shall appoint members of the
5 Federal Election Commission under section 309 (a) of the
6 Act (2 U.S.C. 437c (a)), as so redesignated by section 105
7 and as amended by this section, as soon as practicable after
8 the date of the enactment of this Act.

9 (2) The first appointments made by the President under
10 section 309 (a) of the Act (2 U.S.C. 437c (a)) as so re-
11 designated by section 105 and as amended by this section,
12 shall not be considered to be appointments to fill the unex-
13 pired terms of members serving on the Federal Election
14 Commission on the date of the enactment of this Act.

15 (3) Members serving on the Federal Election Commis-
16 sion on the date of the enactment of this Act may continue to
17 serve as such members until members are appointed and
18 qualified under section 309 (a) of the Act (2 U.S.C. 437c
19 (a)), as so redesignated by section 105 and as amended by
20 this section, except that until appointed and qualified under
21 this Act, members serving on such Commission on such date
22 of enactment may, beginning on March 1, 1976, exercise
23 only such powers and functions as may be consistent with
24 the determinations of the Supreme Court of the United States
25 in Buckley et al. against Valeo, Secretary of the United

1 States Senate, et al. (numbered 75-436, 75-437) (Janu-
2 ary 30, 1976).

3 (e) The provisions of section 309 (a) (3) of the Act
4 (2 U.S.C. 437c (a) (3)), as so redesignated by section 105,
5 which prohibit any member of the Federal Election Com-
6 mission from being an elected or appointed officer or em-
7 ployee of the executive, legislative, or judicial branch of the
8 Federal Government, shall not apply in the case of any
9 individual serving as a member of such Commission on the
10 date of the enactment of this Act.

11 CHANGES IN DEFINITIONS

12 SEC. 102. (a) Section 301 (a) (2) of the Act (2 U.S.C.
13 431 (a) (2)) is amended by striking out "held to" and
14 inserting in lieu thereof "which has authority to".

15 (b) Section 301 (e) (2) of the Act (2 U.S.C. 431 (e)
16 (2)) is amended by inserting "written" immediately before
17 "contract", and by striking out "expressed or implied".

18 (c) (1) Section 301 (e) (4) of the Act (2 U.S.C. 431
19 (e) (4)) is amended by inserting immediately before the
20 semicolon the following: ", except that this subparagraph
21 shall not apply (A) in the case of any legal or accounting
22 services rendered to or on behalf of the national committee of
23 a political party, other than any legal or accounting services
24 attributable to activity which directly furthers the election of

1 any designated candidate to Federal office; or (B) in the
2 case of any legal or accounting services rendered to or on
3 behalf of a candidate or political committee solely for the
4 purpose of ensuring compliance with the provisions of this
5 Act, chapter 29 of title 18, United States Code, or chapter
6 95 or chapter 96 of the Internal Revenue Code of 1954".

7 (2) Section 301 (e) (5) of the Act (2 U.S.C. 431 (e)
8 (5)) is amended—

9 (A) in clause (E) thereof, by striking out "or"
10 (II) at the end thereof;

11 (B) in clause (F) thereof, by inserting "or" im-
12 mediately after the semicolon at the end thereof; and

13 (C) by inserting immediately after clause (F) the
14 following new clause:

15 "(G) a gift, subscription, loan, advance, or
16 deposit of money or anything of value to a
17 national committee of a political party or a State
18 committee of a political party which is specifi-
19 cally designated for the purpose of defraying
20 "and" at any cost incurred with respect to the construc-
21 tion or purchase of any office facility which is
22 not acquired for the purpose of influencing the
23 election of any candidate in any particular elec-
24 tion for Federal office, except that any such gift,



1 subscription, loan, advance, or deposit of money
 2 or anything of value, and any such cost, shall be
 3 reported in accordance with section 304 (b) ;”.

4 (d) (1) Section 301 (f) (4) of the Act (2 U.S.C. 431
 5 (f) (4)) is amended—

6 (A) by striking out “or” at the end of clause (F)
 7 and at the end of clause (G) ;

8 (B) by inserting “or” immediately after the semi-
 9 colon at the end of clause (H) ; and

10 (C) by inserting immediately after clause (H) the
 11 following new clause:

12 “(I) any costs incurred by a candidate in
 13 connection with the solicitation of contributions
 14 by such candidate, except that this clause shall
 15 not apply with respect to costs incurred by a
 16 candidate in excess of an amount equal to 20
 17 percent of the expenditure limitation applicable
 18 to such candidate under section 320 (b) , except
 19 that all such costs shall be reported in accord-
 20 ance with section 304 (b) .”.

21 (2) Section 301 (f) (4) of the Act (2 U.S.C. 431 (f)
 22 (4)) , as amended by paragraph (1) , is further amended—

23 (A) by redesignating clause (F) through clause
 24 (I) as clause (G) through clause (J) , respectively;

25 and

1 (B) by inserting immediately after clause (E) the
 2 following new clause:

3 “(F) the payment, by any person other
 4 than a candidate or a political committee, of
 5 compensation for legal or accounting services
 6 rendered to or on behalf of the national com-
 7 mittee of a political party, other than services
 8 attributable to activities which directly further
 9 the election of any designated candidate to
 10 Federal office, or for legal or accounting serv-
 11 ices rendered to or on behalf of a candidate or
 12 political committee solely for the purpose of
 13 ensuring compliance with the provisions of this
 14 Act, chapter 29 of title 18, United States Code,
 15 or chapter 95 or chapter 96 of the Internal
 16 Revenue Code of 1954;”.

17 (e) Section 301 of the Act (2 U.S.C. 431) is
 18 amended—

19 (1) in paragraph (m) thereof, by striking out
 20 “and” at the end thereof;

21 (2) in paragraph (n) thereof, by striking out the
 22 period at the end thereof; and

23 (3) by adding at the end thereof the following new
 24 paragraphs:

1 (B) " (o) 'Act' means the Federal Election Campaign
 2 Act of 1971, as amended by the Federal Election Cam-
 3 paign Act Amendments of 1974 and the Federal Elec-
 4 tion Campaign Act Amendments of 1976;

5 " (p) 'independent expenditure' means an expendi-
 6 ture by a person expressly advocating the election or
 7 defeat of a clearly identified candidate which is made
 8 without cooperation or consultation with any candidate
 9 or any authorized committee or agent of such candidate
 10 and which is not made in concert with, or at the request
 11 or suggestion of, any candidate or any authorized com-
 12 mittee or agent of such candidate; and

13 " (q) 'clearly identified' means (1) the name of the
 14 candidate appears; (2) a photograph or drawing of the
 15 candidate appears; or (3) the identity of the candidate
 16 is apparent by unambiguous reference."

17 ORGANIZATION OF POLITICAL COMMITTEES

18 SEC. 103. Section 302 of the Act (2 U.S.C. 432) is
 19 amended by striking out subsection (e) and by redesignat-
 20 ing subsection (f) as subsection (e).

21 REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

22 SEC. 104. (a) Section 304 (a) (1) (C) of the Act (2
 23 U.S.C. 434 (a) (1) (C)) is amended by inserting imme-
 24 diately before the period at the end thereof the following:
 25 "except that, in any year in which a candidate is not on the

1 ballot for election to Federal office, such candidate and his
 2 authorized committees shall only be required to file such
 3 reports not later than the tenth day following the close of
 4 any calendar quarter in which the candidate and his au-
 5 thorized committees received contributions or made expendi-
 6 tures totaling in excess of \$10,000, and such reports shall
 7 be complete as of the close of such calendar quarter (ex-
 8 cept that any such report required to be filed after Decem-
 9 ber 31 of any calendar year with respect to which a report
 10 is required to be filed under subparagraph (B) shall be filed
 11 as provided in such subparagraph)".

12 (b) Section 304 (a) (2) of the Act (2 U.S.C. 434 (a)
 13 (2)) is amended to read as follows:

14 "(2) Each treasurer of a political committee authorized
 15 by a candidate to raise contributions or make expenditures on
 16 his behalf, other than the candidate's principal campaign
 17 committee, shall file the reports required under this section
 18 with the candidate's principal campaign committee."

19 (c) Section 304 (b) of the Act (2 U.S.C. 434 (b))
 20 is amended—

21 (1) by striking out "and" at the end of paragraph
 22 (12);
 23 (2) by redesignating paragraph (13) as paragraph
 24 (14); and

1 (3) by inserting immediately after paragraph (12)
2 the following new paragraph:

3 “(13) in the case of an independent expenditure in
4 excess of \$100 by a political committee, other than an
5 authorized committee of a candidate, expressly advocat-
6 ing the election or defeat of a clearly identified candidate,
7 through a separate schedule (A) any information re-
8 quired by paragraph (9) stated in a manner which
9 indicates whether the independent expenditure involved
10 is in support of, or in opposition to, a candidate; and (B)
11 under penalty of perjury, a certification whether such
12 independent expenditure is made in cooperation, consul-
13 tation, or concert with, or at the request or suggestion
14 of, any candidate or any authorized committee or agent
15 of such candidate.”.

16 (d) Section 304 (e) of the Act (2 U.S.C. 434 (e)) is
17 amended to read as follows:

18 “(e) (1) Every person (other than a political com-
19 mittee or candidate) who makes contributions or independ-
20 ent expenditures expressly advocating the election or defeat
21 of a clearly identified candidate, other than by contribution
22 to a political committee or candidate, in an aggregate amount
23 in excess of \$100 during a calendar year shall file with the
24 Commission, on a form prepared by the Commission, a state-
25 ment containing the information required of a person who

1 makes a contribution in excess of \$100 to a candidate or
2 political committee and the information required of a candi-
3 date or political committee receiving such a contribution.

4 “(2) Statements required by this subsection shall be
5 filed on the dates on which reports by political committees
6 are filed. Such statements shall include (A) the information
7 required by subsection (b) (9), stated in a manner indicat-
8 ing whether the contribution or independent expenditure is
9 in support of, or opposition to, the candidate; and (B) under
10 penalty of perjury, a certification whether such independent
11 expenditure is made in cooperation, consultation, or concert
12 with, or at the request or suggestion of, any candidate or any
13 authorized committee or agent of such candidate. Any in-
14 dependent expenditure, including those described in sub-
15 section (b) (13), of \$1,000 or more made after the fifteenth
16 day, but more than 24 hours, before any election shall be
17 reported within 24 hours of such independent expenditure.

18 “(3) The Commission shall be responsible for expedi-
19 tiously preparing indices which set forth, on a candidate-by-
20 candidate basis, all expenditures separately, including those
21 reported under subsection (b) (13), made with respect to
22 each candidate, as reported under this subsection, and for
23 periodically issuing such indices on a timely preelection
24 basis.”.

REPORTS BY CERTAIN PERSONS

1 SEC. 105. Title III of the Act (2 U.S.C. 431 et seq.)
 2 is amended by striking out section 308 thereof (2 U.S.C.
 3 437a) and by redesignating section 309 through section 321
 4 as section 308 through section 320, respectively.

CAMPAIGN DEPOSITORIES

5 SEC. 106. The second sentence of section 308 (a) (1)
 6 of the Act (2 U.S.C. 437b (a) (1)), as so redesignated by
 7 section 105, is amended by striking out "a checking ac-
 8 count" and inserting in lieu thereof "one or more checking
 9 accounts, at the discretion of any such committee,".

POWERS OF COMMISSION

10 SEC. 107. (a) Section 310 (a) of the Act (2 U.S.C.
 11 437d (a)), as so redesignated by section 105, is amended—

12 (1) in paragraph (8) thereof, by inserting "de-
 13 velop such prescribed forms and to" immediately before
 14 "make", and by inserting immediately after "Act" the
 15 following: "and chapter 95 and chapter 96 of the In-
 16 ternal Revenue Code of 1954";

17 (2) in paragraph (9) thereof, by striking out "and
 18 sections 608" and all that follows through "States Code"
 19 and inserting in lieu thereof "and chapter 95 and chap-
 20 ter 96 of the Internal Revenue Code of 1954"; and

21 (3) by striking out paragraph (10) and redesi-
 22 gnating paragraph (11) as paragraph (10).

1 (b) (1) Section 310 (a) (6) of the Act (2 U.S.C. 437d
 2 (a) (6)), as so redesignated by section 105, is amended to
 3 read as follows:

4 "(6) to initiate (through civil actions for injunc-
 5 tive, declaratory or other appropriate relief) defend
 6 (in the case of any civil action brought under section
 7 313 (a) (9)) or appeal any civil action in the name of
 8 the Commission for the purpose of enforcing the provi-
 9 sions of this Act and chapter 95 and chapter 96 of the
 10 Internal Revenue Code of 1954, through its general
 11 counsel;".

12 (2) Section 310 of the Act (2 U.S.C. 437d), as so
 13 redesignated by section 105, is amended by adding at the
 14 end thereof the following new subsection:

15 "(e) Except as provided in section 313 (a) (9), the
 16 power of the Commission to initiate civil actions under sub-
 17 section (a) (6) shall be the exclusive civil remedy for the
 18 enforcement of the provisions of this Act."

ADVISORY OPINIONS

19 SEC. 108. (a) Section 312 (a) of the Act (2 U.S.C.
 20 437f (a)), as so redesignated by section 105, is amended to
 21 read as follows:

22 "SEC. 312. (a) Upon written request to the Commission
 23 by any individual holding Federal office, any candidate for
 24 Federal office, any political committee, or the national com-
 25

1 mittee of any political party, the Commission shall render
 2 an advisory opinion, in writing, within a reasonable time
 3 with respect to whether any specific transaction or activity
 4 by such individual, candidate, or political committee would
 5 constitute a violation of this Act or of chapter 95 or chapter
 6 96 of the Internal Revenue Code of 1954. No advisory
 7 opinion shall be issued by the Commission or any of its
 8 employees except in accordance with the provisions of this
 9 section.”.

10 (b) Section 312 (b) of the Act (2 U.S.C. 437 (b)), as
 11 so redesignated by section 105, is amended to read as
 12 follows:

13 “(b) (1) Notwithstanding any other provision of law,
 14 any person who relies upon any provision or finding of an
 15 advisory opinion in accordance with the provisions of para-
 16 graph (2) (A) and who acts in good faith in accordance
 17 with the provisions and findings of such advisory opinion
 18 shall not, as a result of any such act, be subject to any
 19 sanction provided by this Act or by chapter 95 or chapter 96
 20 of the Internal Revenue Code of 1954.

21 “(2) (A) Any advisory opinion rendered by the Com-
 22 mission under subsection (a) may be relied upon by (i) any
 23 person involved in the specific transaction or activity with
 24 respect to which such advisory opinion is rendered; and
 25 (ii) any person involved in any specific transaction or ac-

1 tivity which is similar to the transaction or activity with
 2 respect to which such advisory opinion is rendered.

3 “(B) (i) The Commission shall, no later than 30 days
 4 after rendering an advisory opinion with respect to a
 5 request received under subsection (a), transmit to the Con-
 6 gress proposed rules or regulations relating to the trans-
 7 action or activity involved if such transaction or activity
 8 is not subject to any existing rule or regulation prescribed
 9 by the Commission. In any such case in which the Com-
 10 mission receives more than one request for an advisory
 11 opinion involving the same or similar transactions or ac-
 12 tivities, the Commission may not render more than one
 13 advisory opinion relating to the transactions or activities
 14 involved.

15 “(ii) Any rule or regulation prescribed by the Com-
 16 mission under this subparagraph shall be subject to the pro-
 17 visions of section 315 (c).”.

18 (c) Section 315 (c) (1) of the Act (2 U.S.C. 438 (c)
 19 (1)), as so redesignated by section 105, is amended by
 20 inserting “or under section 312 (b) (2) (B)” immediately
 21 after “under this section”.

22 (d) The amendments made by this section shall apply
 23 to any advisory opinion rendered by the Federal Elec-
 24 tion Commission after October 15, 1974.

ENFORCEMENT

1 SEC. 109. Section 313 of the Act (2 U.S.C. 437g), as
2 so redesignated by section 105, is amended to read as fol-
3 lows:

"ENFORCEMENT

4 "SEC. 313. (a) (1) Any person who believes a viola-
5 tion of this Act or of chapter 95 or chapter 96 of the Internal
6 Revenue Code of 1954, has occurred may file a complaint
7 with the Commission. Such complaint shall be in writing,
8 shall be signed and sworn to by the person filing such com-
9 plaint, and shall be notarized. Any person filing such a
10 complaint shall be subject to the provisions of section 1001
11 of title 18, United States Code. The Commission may not
12 conduct any investigation under this section, or take any
13 other action under this section, solely on the basis of a com-
14 plaint of a person whose identity is not disclosed to the
15 Commission. Notwithstanding any other provision of this
16 Act, the Commission shall not have the authority to inquire
17 into or investigate the utilization or activities of any staff
18 employee of any person holding Federal office without first
19 consulting with such person holding Federal office. An af-
20 fidavit given by the person holding Federal office that such
21 staff employee is performing his regularly assigned duties
22 shall be a complete bar to any further inquiry or investiga-
23 tion of the matter involved.

1 "(2) The Commission, if it has reasonable cause to be-
2 lieve that any person has committed a violation of this Act
3 or of chapter 95 or chapter 96 of the Internal Revenue Code
4 of 1954, shall notify the person involved of such apparent
5 violation and shall make an investigation of such violation
6 in accordance with the provisions of this section.

7 "(3) (A) Any investigation under paragraph (2)
8 shall be conducted expeditiously and shall include an in-
9 vestigation, conducted in accordance with the provisions of
10 this section, of reports and statements filed by any com-
11 plainant under this title, if such complainant is a candidate.

12 "(B) Any notification or investigation made under
13 paragraph (2) shall not be made public by the Commission
14 or by any other person without the written consent of the
15 person receiving such notification or the person with respect
16 to whom such investigation is made.

17 "(4) The Commission shall, at the request of any person
18 who receives notice of an apparent violation under paragraph
19 (2), afford such person a reasonable opportunity to demon-
20 strate that no action shall be taken against such person by
21 the Commission under this Act.

22 "(5) (A) If the Commission determines that there is
23 reasonable cause to believe that any person has committed or
24 is about to commit a violation of this Act or of chapter 95 or
25 chapter 96 of the Internal Revenue Code of 1954, the Com-

1 mission shall make every endeavor for a period of not less
 2 than 30 days to correct or prevent such violation by informal
 3 methods of conference, conciliation, and persuasion, and to
 4 enter into a conciliation agreement with the person involved,
 5 except that, if the Commission has reasonable cause to
 6 believe that—

7 “(i) any person has failed to file a report required
 8 to be filed under section 304 (a) (1) (C) for the calen-
 9 dar quarter occurring immediately before the date of a
 10 general election;

11 “(ii) any person has failed to file a report required
 12 to be filed no later than 10 days before an election; or

13 “(iii) on the basis of a complaint filed less than
 14 45 days but more than 10 days before an election, any
 15 person has committed a knowing and willful violation of
 16 this Act of chapter 95 or chapter 96 of the Internal
 17 Revenue Code of 1954;

18 the Commission shall make every effort, for a period of
 19 not less than one-half the number of days between the date
 20 upon which the Commission determines there is reasonable
 21 cause to believe such a violation has occurred and the date
 22 of the election involved, to correct or prevent such viola-
 23 tion by informal methods of conference, conciliation, and
 24 persuasion, and to enter into a conciliation agreement with
 25 the person involved. A conciliation agreement, unless vio-

1 lated, shall constitute a complete bar to any further action
 2 by the Commission, including the bringing of a civil pro-
 3 ceeding under subparagraph (B).

4 “(B) If the Commission is unable to correct or prevent
 5 any such violation by such informal methods, the Commission
 6 may, if the Commission determines there is probable cause to
 7 believe that a violation has occurred or is about to occur, in-
 8 stitute a civil action for relief, including a permanent or tem-
 9 porary injunction, restraining order, or any other appropriate
 10 order, including a civil penalty which does not exceed the
 11 greater of \$5,000 or an amount equal to the amount of any
 12 contribution or expenditure involved in such violation, in the
 13 district court of the United States for the district in which
 14 the person against whom such action is brought is found,
 15 resides, or transacts business.

16 “(C) In any civil action instituted by the Commission
 17 under subparagraph (B), the court shall grant a permanent
 18 or temporary injunction, restraining order, or other order, in-
 19 cluding a civil penalty which does not exceed the greater
 20 or \$5,000 or an amount equal to the amount of any contribu-
 21 tion or expenditure involved in such violation, upon a proper
 22 showing that the person involved has engaged or is about to
 23 engage in a violation of this Act or of chapter 95 or chapter
 24 96 of the Internal Revenue Code of 1954.

25 “(D) If the Commission determines that there is prob-

1 able cause to believe that a knowing and willful violation sub-
 2 ject to and as defined in section 328 has occurred or is about
 3 to occur, it may refer such apparent violation to the Attorney
 4 General of the United States without regard to any limitation
 5 set forth in subparagraph (A).

6 “(6) (A) If the Commission believes that there is
 7 clear and convincing proof that a knowing and willful vio-
 8 lation of this Act or chapter 95 or chapter 96 of the Internal
 9 Revenue Code of 1954, has been committed, any concilia-
 10 tion agreement entered into by the Commission under para-
 11 graph (5) (A) may include a requirement that the person
 12 involved in such conciliation agreement shall pay a civil
 13 penalty which shall not exceed the greater of (i) \$10,000;
 14 or (ii) an amount equal to 200 percent of the amount of
 15 any contribution or expenditure involved in such violation.

16 “(B) If the Commission believes that a violation of this
 17 Act or of chapter 95 or chapter 96 of the Internal Revenue
 18 Code of 1954 has been committed, a conciliation agreement
 19 entered into by the Commission under paragraph (5) (A)
 20 may include a requirement that the person involved in such
 21 conciliation agreement shall pay a civil penalty which does
 22 not exceed the greater of (i) \$5,000; or (ii) an amount
 23 equal to the amount of the contribution or expenditure in-
 24 volved in such violation.

25 “(C) The Commission shall make available to the pub-

1 lic (i) the results of any conciliation attempt, including any
 2 conciliation agreement entered into by the Commission; and
 3 (ii) any determination by the Commission that no violation
 4 of the Act or of chapter 95 or chapter 96 of the Internal
 5 Revenue Code of 1954, has occurred.

6 “(7) In any civil action for relief instituted by the
 7 Commission under paragraph (5), if the court determines
 8 that the Commission has established through clear and con-
 9 vincing proof that the person involved in such civil action
 10 has committed a knowing and willful violation of this Act or
 11 of chapter 95 or chapter 96 of the Internal Revenue Code of
 12 1954, the court may impose a civil penalty of not more than
 13 the greater of (A) \$10,000; or (B) an amount equal to 200
 14 percent of the contribution or expenditure involved in such
 15 violation. In any case in which such person has entered
 16 into a conciliation agreement with the Commission under
 17 paragraph (5) (A), the Commission may institute a civil
 18 action for relief under paragraph (5) if it believes that such
 19 person has violated any provision of such conciliation agree-
 20 ment. In order for the Commission to obtain relief in any
 21 such civil action, it shall be sufficient for the Commission
 22 to establish that such person has violated, in whole or in
 23 part, any requirement of such conciliation agreement.

24 “(8) In any action brought under paragraph (5) or
 25 paragraph (7), subpoenas for witnesses who are required



1 to attend a United States district court may run into any
2 other district.

3 “(9) (A) Any party aggrieved by an order of the
4 Commission dismissing a complaint filed by such party under
5 paragraph (1), or by a failure on the part of the Commis-
6 sion to act on such complaint in accordance with the provi-
7 sions of this section within 90 days after the filing of such
8 complaint, may file a petition with the United States District
9 Court for the District of Columbia.

10 “(B) The filing of any petition under subparagraph
11 (A) shall be made—

12 “(i) in the case of the dismissal of a complaint by
13 the Commission, no later than 60 days after such dis-
14 missal; or

15 “(ii) in the case of a failure on the part of the
16 Commission to act on such complaint, no later than
17 60 days after the 90-day period specified in subpara-
18 graph (A).

19 “(C) In any proceeding under this paragraph the
20 court may declare that the dismissal of the complaint or the
21 action, or the failure to act, is contrary to law and may
22 direct the Commission to proceed in conformity with such
23 declaration within 30 days, failing which the complainant
24 may bring in his own name a civil action to remedy the
25 violation involved in the original complaint.

1 “(10) The judgment of the district court may be ap-
2 pealed to the court of appeals and the judgment of the
3 court of appeals affirming or setting aside, in whole or in
4 part, any such order of the district court shall be final, sub-
5 ject to review by the Supreme Court of the United States
6 upon certiorari or certification as provided in section 1254
7 of title 28, United States Code.

8 “(11) Any action brought under this subsection shall
9 be advanced on the docket of the court in which filed, and
10 put ahead of all other actions (other than other actions
11 brought under this subsection or under section 314).

12 “(12) If the Commission determines after an investiga-
13 tion that any person has violated an order of the court
14 entered in a proceeding brought under paragraph (5) it
15 may petition the court for an order to adjudicate such per-
16 son in civil contempt, except that if it believes the viola-
17 tion to be knowing and willful it may petition the court for
18 an order to adjudicate such person in criminal contempt.

19 “(b) In any case in which the Commission refers an
20 apparent violation to the Attorney General, the Attorney
21 General shall respond by report to the Commission with
22 respect to any action taken by the Attorney General regard-
23 ing such apparent violation. Each report shall be trans-
24 mitted no later than 60 days after the date the Commis-
25 sion refers any apparent violation, and at the close of every

1 30-day period thereafter until there is final disposition of
 2 such apparent violation. The Commission may from time to
 3 time prepare and publish reports on the status of such
 4 referrals.

5 “(c) Any member of the Commission, any employee of
 6 the Commission, or any other person who violates the pro-
 7 visions of subsection (a) (3) (B) shall be fined not more
 8 than \$2,000. Any such member, employee, or other person
 9 who knowingly and willfully violates the provisions of
 10 subsection (a) (3) (B) shall be fined not more than
 11 \$5,000.”

12 DUTIES OF COMMISSION

13 SEC. 110. (a) (1) Section 315 (a) (6) of the Act (2
 14 U.S.C. 438 (a) (6)), as so redesignated by section 105, is
 15 amended by inserting immediately before the semicolon at
 16 the end thereof the following: “, and to compile and main-
 17 tain a separate cumulative index of reports and statements
 18 filed with it by political committees supporting more than
 19 one candidate, which shall include a listing of the date of the
 20 registration of any such political committee and the date
 21 upon which any such political committee qualifies to make
 22 expenditures under section 320 (a) (2), and which shall be
 23 revised on the same basis and at the same time as the other
 24 cumulative indices required under this paragraph”.

25 (2) Section 315 (a) (8) of the Act (2 U.S.C. 438 (a)

1 (8)), as so redesignated by section 105, is amended by in-
 2 serting immediately before the semicolon at the end thereof
 3 the following: “, and to give priority to auditing and field
 4 investigating the verification for, and the receipt and use
 5 of, any payments received by a candidate under chapter 95
 6 or chapter 96 of the Internal Revenue Code of 1954”.

7 (b) Section 315 (c) (2) of the Act (2 U.S.C. 438
 8 (c) (2)), as so redesignated by section 105, is amended—

9 (1) by inserting “, in whole or in part,” immedi-
 10 ately after “disapprove”; and

11 (2) by inserting immediately after the second sen-
 12 tence thereof the following new sentences: “Whenever
 13 a committee of the House of Representatives reports any
 14 resolution relating to any such rule or regulation, it is at
 15 any time thereafter in order (even though a previous
 16 motion to the same effect has been disagreed to) to move
 17 to proceed to the consideration of the resolution. The mo-
 18 tion is highly privileged and is not debatable. An amend-
 19 ment to the motion is not in order, and it is not in order
 20 to move to reconsider the vote by which the motion is
 21 agreed to or disagreed to.”.

22 (c) Section 315 of the Act (2 U.S.C. 438), as so re-
 23 designated by section 105, is amended by adding at the
 24 end thereof the following new subsection:

25 “(e) In any proceeding, including any civil or criminal

1 enforcement proceeding against any person charged with
 2 violating any provision of this Act or of chapter 95 or
 3 chapter 96 of the Internal Revenue Code of 1954, no rule,
 4 regulation, guideline, advisory opinion, opinion of counsel
 5 or any other pronouncement by the Commission or by any
 6 member, officer, or employee thereof (other than any rule
 7 or regulation of the Commission which takes effect under
 8 subsection (c)) shall be used against any person, either as
 9 having the force of law, as creating any presumption of
 10 violation or of criminal intent, or as admissible in evidence
 11 against such person, or in any other manner whatsoever.”.

12 **ADDITIONAL ENFORCEMENT AUTHORITY**

13 **SEC. 111.** Section 407 (a) of the Act (2 U.S.C. 456
 14 (a)) is amended by inserting immediately after “such title
 15 III,” the following: “the Commission shall (1) make every
 16 endeavor for a period of not less than 30 days to correct such
 17 failure by informal methods of conference, conciliation, and
 18 persuasion; or (2) in the case of any such failure which
 19 occurs less than 45 days before the date of the election in-
 20 volved, make every endeavor for a period of not less than
 21 one-half the number of days between the date of such failure
 22 and the date of the election involved to correct such failure
 23 by informal methods of conference, conciliation, and persua-
 24 sion, except that no action may be taken by the Commission
 25 with respect to any complaint filed with the Commission

1 during the 5-day period immediately before an election until
 2 after the date of such election. If the Commission fails to
 3 correct such failure through such informal methods, then”.

4 **CONTRIBUTION AND EXPENDITURE LIMITATIONS;**

5 **PENALTIES**

6 **SEC. 112.** (a) Title III of the Act (2 U.S.C. 431 et
 7 seq.), as amended by section 105, is further amended by
 8 striking out section 316, as so redesignated by section 105,
 9 by striking out section 320, as so redesignated by section 105,
 10 and by inserting immediately after section 319 the following
 11 new sections:

12 **“LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES**

13 **“SEC. 320.** (a) (1) Except as otherwise provided by
 14 paragraphs (2) and (3), no person shall make contribu-
 15 tions to any candidate with respect to any election for Fed-
 16 eral office which, in the aggregate, exceed \$1,000, or to any
 17 political committee in any calendar year which exceed, in
 18 the aggregate, \$1,000.

19 **“(2)** No political committee (other than a principal
 20 campaign committee) shall make contributions to (A) any
 21 candidate with respect to any election for Federal office
 22 which, in the aggregate, exceed \$5,000; or (B) to any po-
 23 litical committee in any calendar year which, in the aggre-
 24 gate, exceed \$5,000. Contributions by the national com-
 25 mittee of a political party serving as the principal campaign

1 committee of a candidate for the office of President of the
 2 United States shall not exceed the limitation imposed by the
 3 preceding sentence with respect to any other candidate for
 4 Federal office. For purposes of this paragraph, the term
 5 'political committee' means an organization registered as a
 6 political committee under section 303 for a period of not
 7 less than 6 months which has received contributions from
 8 more than 50 persons and, except for any State political
 9 party organization, has made contributions to 5 or more
 10 candidates for Federal office. For purposes of the limitations
 11 provided by paragraph (1) and this paragraph, all contribu-
 12 tions made by political committees established or financed
 13 or maintained or controlled by any corporation, labor organi-
 14 zation, or any other person, including any parent, subsidiary,
 15 branch, division, department, or local unit of such corpora-
 16 tion, labor organization, or any other person, or by any
 17 group of such persons, shall be considered to have been made
 18 by a single political committee, except that (A) nothing in
 19 this sentence shall limit transfers between political commit-
 20 tees of funds raised through joint fundraising efforts; and
 21 (B) for purposes of the limitations provided by paragraph
 22 (1) and this paragraph, all contributions made by a single
 23 political committee established or financed or maintained or
 24 controlled by a national committee of a political party and
 25 by a single political committee established or financed or

1 maintained or controlled by the State committee of a political
 2 party shall not be considered to have been made by a single
 3 political committee. In any case in which a corporation and
 4 any of its subsidiaries, branches, divisions, departments, or
 5 local units, or a labor organization and any of its subsidiaries,
 6 branches, divisions, departments, or local units establish or
 7 finance or maintain or control more than one separate seg-
 8 regated fund, all such separate segregated funds shall be
 9 treated as a single separate segregated fund for purposes of
 10 the limitations prescribed by paragraph (1) and this
 11 paragraph.

12 " (3) No individual shall make contributions aggregating
 13 more than \$25,000 in any calendar year. For purposes of
 14 this paragraph, any contribution made to a candidate in a
 15 year other than the calendar year in which the election is
 16 held with respect to which such contribution was made is
 17 considered to be made during the calendar year in which
 18 such election is held.

19 " (4) For purposes of this subsection—

20 " (A) contributions to a named candidate made to
 21 any political committee authorized by such candidate to
 22 accept contributions on his behalf shall be considered to
 23 be contributions made to such candidate;

24 " (B) (i) expenditures made by any person in coop-
 25 eration, consultation, or concert, with, or at the request

1 or suggestion of, a candidate, his authorized political
 2 committees, or their agents shall be considered to be a
 3 contribution to such candidate;

4 “(ii) the financing by any person of the dissemina-
 5 tion, distribution, or republication, in whole or in part,
 6 of any broadcast or any written, graphic, or other form
 7 of campaign materials prepared by the candidate, his
 8 campaign committees, or their authorized agents shall be
 9 considered to be an expenditure for purposes of this
 10 paragraph; and

11 “(C) contributions made to or for the benefit of
 12 any candidate nominated by a political party for election
 13 to the office of Vice President of the United States shall
 14 be considered to be contributions made to or for the
 15 benefit of the candidate of such party for election to the
 16 office of President of the United States.

17 “(5) The limitations imposed by paragraphs (1) and
 18 (2) of this subsection shall apply separately with respect
 19 to each election, except that all elections held in any calendar
 20 year for the office of President of the President of the United
 21 States (except a general election for such office) shall be
 22 considered to be one election.

23 “(6) For purposes of the limitations imposed by this
 24 section, all contributions made by a person, either directly
 25 or indirectly, on behalf of a particular candidate, including

1 contributions which are in any way earmarked or otherwise
 2 directed through an intermediary or conduit to such candi-
 3 date, shall be treated as contributions from such person to
 4 such candidate. The intermediary or conduit shall report the
 5 original source and the intended recipient of such contribu-
 6 tion to the Commission and to the intended recipient.

7 “(b) (1) No candidate for the office of President of the
 8 United States who has established his eligibility under section
 9 9003 of the Internal Revenue Code of 1954 (relating to
 10 condition for eligibility for payments) or under section 9033
 11 of the Internal Revenue Code of 1954 (relating to eligibility
 12 for payments) to receive payments from the Secretary of the
 13 Treasury or his delegate may make expenditures in excess
 14 of—

15 “(A) \$10,000,000, in the case of a campaign for
 16 nomination for election to such office, except the aggre-
 17 gate of expenditures under this subparagraph in any one
 18 State shall not exceed twice the greater of 8 cents multi-
 19 plied by the voting age population of the State (as certi-
 20 fied under subsection (e)), or \$100,000; or

21 “(B) \$20,000,000 in the case of a campaign for
 22 election to such office.

23 “(2) For purposes of this subsection—

24 “(A) expenditures made by or on behalf of any
 25 candidate nominated by a political party for election to

1 the office of Vice President of the United States shall be
 2 considered to be expenditures made by or on behalf of
 3 the candidate of such party for election to the office of
 4 President of the United States; and

5 “(B) an expenditure is made on behalf of a candi-
 6 date, including a candidate for the office of Vice Presi-
 7 dent, if it is made by—

8 “(i) an authorized committee or any other
 9 agent of the candidate for the purposes of making
 10 any expenditure; or

11 “(ii) any person authorized or requested by the
 12 candidate, an authorized committee of the candidate,
 13 or an agent of the candidate, to make the expendi-
 14 ture.

15 “(c) (1) At the beginning of each calendar year (com-
 16 mencing in 1976), as there become available necessary data
 17 from the Bureau of Labor Statistics of the Department of
 18 Labor, the Secretary of Labor shall certify to the Commis-
 19 sion and publish in the Federal Register the per centum
 20 difference between the price index for the twelve months pre-
 21 ceding the beginning of such calendar year and the price
 22 index for the base period. Each limitation established by sub-
 23 section (b) and subsection (d) shall be increased by such
 24 per centum difference. Each amount so increased shall be the
 25 amount in effect for such calendar year.

1 “(2) For purposes of paragraph (1) —
 2 “(A) the term ‘price index’ means the average
 3 over a calendar year of the Consumer Price Index (all
 4 items—United States city average) published monthly
 5 by the Bureau of Labor Statistics; and

6 “(B) the term ‘base period’ means the calendar
 7 year 1974.

8 “(d) (1) Notwithstanding any other provision of law
 9 with respect to limitations on expenditures or limitations on
 10 contributions, the national committee of a political party and
 11 a State committee of a political party, including any sub-
 12 ordinate committee of a State committee, may make ex-
 13 penditures in connection with the general election campaign
 14 of candidates for Federal office, subject to the limitations
 15 contained in paragraphs (2) and (3) of this subsection.

16 “(2) The national committee of a political party may
 17 not make any expenditure in connection with the general
 18 election campaign of any candidate for President of the
 19 United States who is affiliated with such party which exceeds
 20 an amount equal to 2 cents multiplied by the voting age
 21 population of the United States (as certified under subsec-
 22 tion (e)). Any expenditure under this paragraph shall be
 23 in addition to any expenditure by a national committee of
 24 a political party serving as the principal campaign com-

1 mittee of a candidate for the office of the President of the
2 United States.

3 “(3) The national committee of a political party, or
4 a State committee of a political party, including any sub-
5 ordinate committee of a State committee, may not make any
6 expenditure in connection with the general election cam-
7 paign of a candidate for Federal office in a State who is
8 affiliated with such party which exceeds—

9 “(A) in the case of a candidate for election to
10 the office of Senator, or of Representative from a State
11 which is entitled to only one Representative, the
12 greater of—

13 “(i) 2 cents multiplied by the voting age popu-
14 lation of the State (as certified under subsection
15 (e)); or

16 “(ii) \$20,000; and

17 “(B) in the case of a candidate for election to the
18 office of Representative, Delegate, or Resident Com-
19 missioner in any other State, \$10,000.

20 “(e) During the first week of January 1975, and every
21 subsequent year, the Secretary of Commerce shall certify
22 to the Commission and publish in the Federal Register an
23 estimate of the voting age population of the United States,
24 of each State, and of each congressional district as of the
25 first day of July next preceding the date of certification.

1 The term ‘voting age population’ means resident population,
2 18 years of age or older.

3 “(f) No candidate or political committee shall know-
4 ingly accept any contribution or make any expenditure in
5 violation of the provisions of this section. No officer or em-
6 ployee of a political committee shall knowingly accept a
7 contribution made for the benefit or use of a candidate, or
8 knowingly make any expenditure on behalf of a candidate,
9 in violation of any limitation imposed on contributions and
10 expenditures under this section.

11 “(g) The Commission shall prescribe rules under which
12 any expenditure by a candidate for nomination for election
13 to the office of President for use in 2 or more States shall be
14 attributed to such candidate’s expenditure limitation in each
15 such State, based on the voting age population in such State
16 which can reasonably be expected to be influenced by such
17 expenditure.

18 “CONTRIBUTIONS OR EXPENDITURES BY NATIONAL BANKS,
19 CORPORATIONS, OR LABOR ORGANIZATIONS

20 “SEC. 321. (a) It is unlawful for any national bank, or
21 any corporation organized by authority of any law of Con-
22 gress, to make a contribution or expenditure in connection
23 with any election to any political office, or in connection with
24 any primary election or political convention or caucus held
25 to select candidates for any political office, or for any corpo-

1 ration whatever, or any labor organization to make a con-
 2 tribution or expenditure in connection with any election at
 3 which Presidential and Vice Presidential electors or a Sena-
 4 tor or Representative in, or a Delegate or Resident Commis-
 5 sioner to, the Congress are to be voted for, or in connection
 6 with any primary election or political convention, or caucus
 7 held to select candidates for any of the foregoing offices, or
 8 for any candidate, political committee, or other person know-
 9 ingly to accept or receive any contribution prohibited by this
 10 section, or any officer or any director of any corporation or
 11 any national bank, or any officer of any labor organization,
 12 to consent to any contribution or expenditure by such cor-
 13 poration, national bank, or labor organization, as the case
 14 may be, which is prohibited by this section.

15 “(b) (1) For purposes of this section the term ‘labor
 16 organization’ means any organization of any kind, or any
 17 agency or employee representation committee or plan, in
 18 which employees participate and which exists for the pur-
 19 pose, in whole or in part, of dealing with employers con-
 20 cerning grievances, labor disputes, wages, rates of pay, hours
 21 of employment, or contributions of work.

22 “(2) For purposes of this section, the term ‘con-
 23 tribution or expenditure’ shall include any direct or indirect
 24 payment, distribution, loan, advance, deposit, or gift of
 25 money, or any services, or anything of value (except a loan

1 of money by a national or State bank made in accordance
 2 with the applicable banking laws and regulations and in the
 3 ordinary course of business) to any candidate, campaign
 4 committee, or political party or organization, in connection
 5 with any election to any of the officers referred to in this sec-
 6 tion, but shall not include (A) communications by a corpora-
 7 tion to its stockholders and executive officers and their families
 8 or by a labor organization to its members and their families on
 9 any subject; (B) nonpartisan registration and get-out-the-
 10 vote campaigns by a corporation aimed at its stockholders
 11 and executive officers and their families; or by a labor or-
 12 ganization aimed at its members and their families; and (C)
 13 the establishment, administration, and solicitation of contribu-
 14 tions to a separate segregated fund to be utilized for political
 15 purposes by a corporation or labor organization, except that
 16 (i) it shall be unlawful for such a fund to make a contribu-
 17 tion or expenditure by utilizing money or anything of value
 18 secured by physical force, job discrimination, financial re-
 19 prisals, or the threat of force, job discrimination, or financial
 20 reprisal, or by dues, fees, or other moneys required as a con-
 21 dition of membership in a labor organization or as a condi-
 22 tion of employment, or by moneys obtained in any commer-
 23 cial transaction; (ii) it shall be unlawful for a corporation
 24 or a separate segregated fund established by a corporation
 25 to solicit contributions from any person other than its stock-

1 holders, executive officers, and their families, for an incorpo-
 2 rated trade association or a separate segregated fund estab-
 3 lished by an incorporated trade association to solicit con-
 4 tributions from any person other than the stockholders and
 5 executive officers of the member corporations of such trade
 6 association and the families of such stockholders and execu-
 7 tive officers (to the extent that any such solicitation of such
 8 stockholders and executive officers, and their families, has
 9 been separately and specifically approved by the member
 10 corporation involved, and such member corporation has
 11 not approved any such solicitation by more than one such
 12 trade association in any calendar year, or for a labor orga-
 13 nization or a separate segregated fund established by a
 14 labor organization to solicit contributions from any person
 15 other than its members and their families; (iii) notwith-
 16 standing any other law, any method of soliciting voluntary
 17 contributions or of facilitating the making of voluntary con-
 18 tributions to a separate segregated fund established by a cor-
 19 poration, permitted to corporations, shall also be permitted to
 20 labor organizations; and (iv) any corporation which uti-
 21 lizes a method of soliciting voluntary contributions or facili-
 22 tating the making of voluntary contributions, shall make
 23 available, on written request, such method to a labor orga-
 24 nization representing any members working for such
 25 corporation.

1 " (3) For purposes of this section the term 'executive
 2 officer' means an individual employed by a corporation who
 3 is paid on a salary rather than hourly basis and who has
 4 policymaking or supervisory responsibilities.

5 "CONTRIBUTIONS BY GOVERNMENT CONTRACTORS

6 "SEC. 322. (a) It shall be unlawful for any person
 7 who enters—

8 " (1) into any contract with the United States or
 9 any department or agency thereof either for the rendi-
 10 tion of personal services or furnishing any material,
 11 supplies, or equipment to the United States or any
 12 department or agency thereof or for selling any land
 13 or building to the United States or any department or
 14 agency thereof, if payment for the performance of such
 15 contract or payment for such material, supplies, equip-
 16 ment, land, or building is to be made in whole or in part
 17 from funds appropriated by the Congress, at any time
 18 between the commencement of negotiations for and the
 19 later of (A) the completion of performance under, or
 20 (B) the termination of negotiations for, such contract or
 21 furnishing of material, supplies, equipment, land, or
 22 buildings, directly or indirectly makes any contribution
 23 of money or other thing of value, or promises expressly
 24 or impliedly to make any such contribution, to any polit-

1 ical party, committee, or candidate for public office or
2 to any person for any political purpose or use; or

3 “(2) to solicit any such contribution from any
4 such person for any such purpose during any such period.

5 “(b) This section does not prohibit or make unlawful
6 the establishment or administration of, or the solicitation of
7 contributions to, any separate segregated fund by any cor-
8 poration or labor organization for the purpose of influencing
9 the nomination for election, or election, of any person to
10 Federal office, unless the provisions of section 321 prohibit
11 or make unlawful the establishment or administration of,
12 or the solicitation of contributions to, such fund.

13 “(c) For purposes of this section, the term ‘labor orga-
14 nization’ has the meaning given it by section 321.

15 “PUBLICATION OR DISTRIBUTION OF POLITICAL

16 STATEMENTS

17 “SEC. 323. Whenever any person makes an expenditure
18 for the purpose of financing any communication expressly
19 advocating the election or defeat of a clearly identified candi-
20 date through any broadcasting station, newspaper, maga-
21 zine, outdoor advertising facility, direct mailing, or other
22 similar type of general public political advertising, such com-
23 munication—

24 “(1) if authorized by a candidate, his authorized
25 political committees, or their agents, shall clearly and

1 conspicuously, in accordance with regulations prescribed
2 by the Commission, state that such communication has
3 been so authorized; or

4 “(2) if not authorized in accordance with para-
5 graph (1), shall clearly and conspicuously, in accord-
6 ance with regulations prescribed by the Commission,
7 state that such communication is not authorized by any
8 candidate, and state the name of the person that made
9 or financed the expenditure for the communication, in-
10 cluding, in the case of a political committee, the name
11 of any affiliated or connected organization as stated in
12 section 303 (b) (2).

13 “CONTRIBUTIONS BY FOREIGN NATIONALS

14 “SEC. 324. (a) It shall be unlawful for a foreign na-
15 tional directly or through any other person to make any con-
16 tribution of money or other thing of value, or to promise
17 expressly or impliedly to make any such contribution, in con-
18 nection with an election to any political office or in connec-
19 tion with any primary election, convention, or caucus held
20 to select candidates for any political office, or for any person
21 to solicit, accept, or receive any such contribution from any
22 such foreign national.

23 “(b) As used in this section, the term ‘foreign national’
24 means—

25 “(1) a foreign principal, as such term is defined by

1 section 1 (b) of the Foreign Agents Registration Act of
 2 1938 (22 U.S.C. 611 (b)), except that the term 'foreign
 3 national' shall not include any individual who is a citizen
 4 of the United States; or

5 "(2) an individual who is not a citizen of the United
 6 States and who is not lawfully admitted for permanent
 7 residence, as defined by section 101 (a) (20) of the
 8 Immigration and Nationality Act (8 U.S.C. 1101 (a)
 9 (20)).

10 "PROHIBITION OF CONTRIBUTIONS IN NAME OF
 11 ANOTHER

12 "SEC. 325. No person shall make a contribution in
 13 the name of another person or knowingly permit his name
 14 to be used to effect such a contribution, and no person shall
 15 knowingly accept a contribution made by one person in the
 16 name of another person.

17 "LIMITATION ON CONTRIBUTIONS OF CURRENCY

18 "SEC. 326. (a) No person shall make contributions of
 19 currency of the United States or currency of any foreign
 20 country to or for the benefit of any candidate which, in the
 21 aggregate, exceeds \$250, with respect to any campaign of
 22 such candidate for nomination for election, or for election,
 23 to Federal office.

24 "(b) Any person who knowingly and willfully violates
 25 the provisions of this section shall be fined in an amount

1 which does not exceed the greater of \$25,000 or 300 percent
 2 of the amount of the contribution involved.

3 "ACCEPTANCE OF EXCESSIVE HONORARIUMS

4 "SEC. 327. No person while an elected or appointed
 5 officer or employee of any branch of the Federal Govern-
 6 ment shall accept—

7 "(1) any honorarium of more than \$1,000 (exclud-
 8 ing amounts accepted for actual travel and subsistence
 9 expenses) for any appearance, speech, or article; or

10 "(2) honorariums (not prohibited by paragraph
 11 (1) of this section) aggregating more than \$15,000 in
 12 any calendar year.

13 "PENALTY FOR VIOLATIONS

14 "SEC. 328. Any person who knowingly and willfully
 15 commits a violation of any provision or provisions of this
 16 Act, other than the provisions of section 326, which in-
 17 volves the making, receiving, or reporting of any con-
 18 tribution or expenditure having a value, in the aggregate,
 19 of \$5,000 or more during a calendar year shall be fined
 20 in an amount which does not exceed the greater of \$25,000
 21 or 300 percent of the amount of any contribution or expendi-
 22 ture involved in such violation, imprisoned for not more than
 23 one year, or both."

24 (b) Title III of the Act (2 U.S.C. 431 et seq.), as
 25 amended by section 105 and subsection (a), is further

1 amended by inserting immediately after section 315 the
2 following new section:

3 "FRAUDULENT MISREPRESENTATION OF CAMPAIGN

4 AUTHORITY

5 "SEC. 316. No person, being a candidate for Federal
6 office or an employee or agent of such a candidate shall—

7 "(1) fraudulently misrepresent himself or any com-
8 mittee or organization under his control as speaking or
9 writing or otherwise acting for or on behalf of any other
10 candidate or political party or employee or agent thereof
11 on a matter which is damaging to such other candidate or
12 political party or employee or agent thereof; or

13 "(2) participate in or conspire to participate in any
14 plan, scheme, or design to violate paragraph (1)."

15 SAVINGS PROVISION RELATING TO REPEALED SECTIONS

16 SEC. 113. Title III of the Act (2 U.S.C. 431 et seq.),
17 as amended by section 105 and section 112, is further
18 amended by adding at the end thereof the following new
19 section:

20 "SAVING PROVISION RELATING TO REPEALED SECTIONS

21 "SEC. 329. Except as otherwise provided by this Act, the
22 repeal by the Federal Election Campaign Act Amendments
23 of 1976 of any provision or penalty or penalties shall not
24 have the effect of releasing or extinguishing any penalty, for-
25 feiture, or liability incurred under such provision or penalty,

1 and such provision or penalty shall be treated as remaining in
2 force for the purpose of sustaining any proper action or pros-
3 ecution for the enforcement of any penalty, forfeiture, or
4 liability."

5 PRINCIPAL CAMPAIGN COMMITTEES

6 SEC. 114. Section 302 (f) of the Act (2 U.S.C. 432
7 (f)) is amended by adding at the end thereof the follow-
8 ing new sentence: "Any occasional, isolated, or incidental
9 support of a candidate shall not be construed as support of
10 such candidate for purposes of the preceding sentence."

11 TERMINATION OF AUTHORITY OF COMMISSION

12 SEC. 115. Title IV of the Act (2 U.S.C. 451 et seq.)
13 is amended by adding at the end thereof the following new
14 section:

15 "TERMINATION OF AUTHORITY OF COMMISSION

16 "SEC. 409. (a) Notwithstanding any other provision of
17 this Act or any other provision of law, the authority of the
18 Commission to carry out the provisions of this Act, and chap-
19 ter 95 and chapter 96 of the Internal Revenue Code of 1954,
20 shall terminate at the close of March 31, 1977, if either
21 House of the Congress by appropriate action determines that
22 such termination shall take effect pursuant to subsection (b).

23 "(b) The appropriate committee of each House of the
24 Congress shall, commencing January 3, 1977, conduct a
25 review of the elections of candidates for Federal office con-

1 ducted in 1976, the operation of chapter 95 and chapter 96
 2 of the Internal Revenue Code of 1954 with respect to such
 3 elections, and the activities conducted by the Commission,
 4 and report to their respective Houses not later than March 1,
 5 1977. Such report shall include a recommendation of whether
 6 the authority of the Commission shall be terminated on
 7 March 31, 1977, as set forth in subsection (a).

8 “(c) Nothing in this section shall affect any proceed-
 9 ing pending in any court of the United States on the date of
 10 the enactment of this section. The Attorney General of the
 11 United States shall have the authority to act on behalf of the
 12 United States in any such proceeding.”.

13 TECHNICAL AND CONFORMING AMENDMENTS

14 SEC. 116. (a) Section 306(d) of the Act (2 U.S.C.
 15 436(d)) is amended by inserting immediately after “304
 16 (a) (1) (C),” the following: “304 (c),”.

17 (b) (1) Section 310(a) (7) of the Act (2 U.S.C.
 18 437d(a) (7)), as so redesignated by section 105, is amended
 19 by striking out “313” and inserting in lieu thereof “312”.

20 (c) (1) Section 9002(3) of the Internal Revenue Code
 21 of 1954 (defining Commission) is amended by striking out
 22 “310(a) (1)” and inserting in lieu thereof “309(a) (1)”.

23 (2) Section 9032(3) of the Internal Revenue Code of
 24 1954 (defining Commission) is amended by striking out
 25 “310(a) (1)” and inserting in lieu thereof “309(a) (1)”.

1 TITLE II—AMENDMENTS TO TITLE 18,

2 UNITED STATES CODE

3 REPEAL OF CERTAIN PROVISIONS

4 SEC. 201. (a) Chapter 29 of title 18, United States
 5 Code, is amended by striking out sections 608, 610, 611,
 6 612, 613, 614, 615, 616, and 617.

7 (b) The table of sections for chapter 29 of title 18,
 8 United States Code, is amended by striking out the items
 9 relating to sections 608, 610, 611, 612, 613, 614, 615,
 10 616, and 617.

11 CHANGES IN DEFINITIONS

12 SEC. 202. (a) Section 591 of title 18, United States
 13 Code, is amended by striking out “602, 608, 610, 611, 614,
 14 615, and 617” and insert in lieu thereof “and 602”.

15 (b) Section 591(e) (4) of title 18, United States Code
 16 is amended by inserting immediately before the semicolon
 17 the following: “, except that this subparagraph shall not
 18 apply (A) in the case of any legal or accounting services
 19 rendered to or on behalf of the national committee of a
 20 political party, other than any legal or accounting services
 21 attributable to any activity which directly furthers the elec-
 22 tion of any designated candidate to Federal office; or (B)
 23 in the case of any legal or accounting services rendered
 24 to or on behalf of a candidate or political committee solely
 25 for the purpose of ensuring compliance with the provisions

1 of this chapter, the Federal Election Campaign Act of 1971,
2 or chapter 95 or chapter 96 of the Internal Revenue Code
3 of 1954”.

4 (c) Section 591 (f) (4) of title 18, United States Code;
5 is amended—

6 (1) by redesignating clause (F) through clause
7 (I) as clause (G) through clause (J), respectively;

8 and

9 (2) by inserting immediately after clause (E) the
10 following new clause:

11 “(F) the payment, by any person other
12 than a candidate or a political committee, of
13 compensation for legal or accounting services
14 rendered to or on behalf of the national com-
15 mittee of a political party, other than services
16 attributable to activities which directly further
17 the election of any designated candidate to Fed-
18 eral office, or for legal or accounting services
19 rendered to or on behalf of a candidate or politi-
20 cal committee solely for the purpose of ensuring
21 compliance with the provisions of this chapter,
22 the Federal Election Campaign Act of 1971,
23 or chapter 95 or chapter 96 of the Internal
24 Revenue Code of 1954;”.

1 TITLE III—AMENDMENTS TO INTERNAL
2 REVENUE CODE OF 1954

3 ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

4 SEC. 301. Section 9004 of the Internal Revenue Code
5 of 1954 (relating to entitlement of eligible candidates to pay-
6 ments) is amended by adding at the end thereof the fol-
7 lowing new subsections:

8 “(d) EXPENDITURES FROM PERSONAL FUNDS.—In
9 order to be eligible to receive any payment under section
10 9006, the candidate of a major, minor, or new party in an
11 election for the office of President shall certify to the Com-
12 mission, under penalty of perjury, that such candidate shall
13 not knowingly make expenditures from his personal funds, or
14 the personal funds of his immediate family, in connection
15 with his campaign for election to the office of President in
16 excess of, in the aggregate, \$50,000. For purposes of this
17 subsection, expenditures from personal funds made by a candi-
18 date of a major, minor, or new party for the office of Vice
19 President shall be considered to be expenditures by the can-
20 didate of such party for the office of President.

21 “(e) DEFINITION OF IMMEDIATE FAMILY.—For pur-
22 poses of subsection (d), the term ‘immediate family’ means
23 a candidate’s spouse, and any child, parent, grandparent,

1 brother, or sister of the candidate, and the spouses of such
2 persons.”.

3 PAYMENTS TO ELIGIBLE CANDIDATES; INSUFFICIENT
4 AMOUNTS IN FUND

5 SEC. 302. (a) Section 9006 of the Internal Revenue
6 Code of 1954 (relating to payments to eligible candidates)
7 is amended by striking out subsection (b) thereof and by
8 redesignating subsection (c) and subsection (d) as sub-
9 section (b) and subsection (c), respectively.

10 (b) Section 9006 (c) of the Internal Revenue Code
11 of 1954 (relating to insufficient amounts in fund), as so
12 redesignated by subsection (a), is amended by adding at
13 the end thereof the following new sentence: “In any case
14 in which the Secretary or his delegate determines that there
15 are insufficient moneys in the fund to make payments under
16 subsection (b), section 9008 (b) (3), and section 9037 (b),
17 moneys shall not be made available from any other source for
18 the purpose of making such payments.”.

19 PROVISION OF LEGAL OR ACCOUNTING SERVICES

20 SEC. 303. Section 9008 (d) of the Internal Revenue
21 Code of 1954 (relating to limitation of expenditures) is
22 amended by adding at the end thereof the following new
23 paragraph:

24 “(4) PROVISION OF LEGAL OR ACCOUNTING SERV-
25 ICES.—For purposes of this section, the payment, by

1 any person other than the national committee of a politi-
2 cal party, of compensation to any person for any legal
3 or accounting services rendered to or on behalf of the
4 national committee of a political party shall not be
5 treated as an expenditure made by or on behalf of such
6 national committee with respect to the presidential nomi-
7 nating convention of the political party involved.”.

8 REVIEW OF REGULATIONS

9 SEC. 304. (a) Section 9009 (c) (2) of the Internal
10 Revenue Code of 1954 (relating to review of regulations)
11 is amended—

12 (1) by inserting “, in whole or in part,” immedi-
13 ately after “disapprove”; and

14 (2) by inserting immediately after the first sen-
15 tence thereof the following new sentences: “Whenever
16 a committee of the House of Representatives reports
17 any resolution relating to any such rule or regulation,
18 it is at any time thereafter in order (even though a
19 previous motion to the same effect has been disagreed
20 to) to move to proceed to the consideration of the
21 resolution. The motion is highly privileged and is not
22 debatable. An amendment to the motion is not in order,
23 and it is not in order to move to reconsider the vote
24 by which the motion is agreed to or disagreed to.”.

1 (b) Section 9039 (c) (2) of the Internal Revenue Code
2 of 1954 (relating to review of regulations) is amended—

3 (1) by inserting “, in whole or in part,” immedi-
4 ately after “disapprove”; and

5 (2) by inserting immediately after the first sen-
6 tence thereof the following new sentences: “Whenever
7 a committee of the House of Representatives reports any
8 resolution relating to any such rule or regulation, it is at
9 any time thereafter in order (even though a previous
10 motion to the same effect has been disagreed to) to move
11 to proceed to the consideration of the resolution. The
12 motion is highly privileged and is not debatable. An
13 amendment to the motion is not in order, and it is not
14 in order to move to reconsider the vote by which the
15 motion is agreed to or disagreed to.”.

16 ELIGIBILITY FOR PAYMENTS

17 SEC. 305. Section 9033 (b) (1) of the Internal Revenue
18 Code of 1954 (relating to expense limitation; declaration of
19 intent; minimum contributions) is amended by striking out
20 “limitation” and inserting in lieu thereof “limitations”.

21 QUALIFIED CAMPAIGN EXPENSE LIMITATION

22 SEC. 306. (a) Section 9035 of the Internal Revenue
23 Code of 1954 (relating to qualified campaign expense limita-
24 tion) is amended—

1 (1) in the heading thereof, by striking out “LIMITA-
2 TION” and inserting in lieu thereof “LIMITATIONS”;

3 (2) by inserting “(a) EXPENDITURE LIMITA-
4 TIONS.—” immediately before “No candidate”;

5 (3) by inserting immediately after “States Code”
6 the following: “, and no candidate shall knowingly make
7 expenditures from his personal funds, or the personal
8 funds of his immediate family, in connection with his
9 campaign for nomination for election to the office of
10 President in excess of, in the aggregate, \$50,000”; and

11 (4) by adding at the end thereof the following new
12 subsection:

13 “(b) DEFINITION OF IMMEDIATE FAMILY.—For pur-
14 poses of this section, the term ‘immediate family’ means a
15 candidate’s spouse, and any child, parent, grandparent,
16 brother, or sister of the candidate, and the spouses of such
17 persons.”.

18 (b) The table of sections for chapter 96 of the In-
19 ternal Revenue Code of 1954 is amended by striking out
20 the item relating to section 9035 and inserting in lieu thereof
21 the following new item:

“Sec. 9035. Qualified campaign expense limitations.”.

22 RETURN OF FEDERAL MATCHING PAYMENTS

23 SEC. 307. (a) (1) Section 9002 (2) of the Internal
24 Revenue Code of 1954 (defining candidate) is amended by

1 adding at the end thereof the following new sentence: "The
2 term 'candidate' shall not include any individual who has
3 ceased actively to seek election to the office of President
4 of the United States or to the office of Vice President of the
5 United States, in more than one State."

6 (2) Section 9003 of the Internal Revenue Code of
7 1954 (relating to condition for eligibility for payments) is
8 amended by adding at the end thereof the following new
9 subsection:

10 "(d) WITHDRAWAL BY CANDIDATE.—In any case in
11 which an individual ceases to be a candidate as a result of
12 the operation of the last sentence of section 9002 (2),
13 such individual—

14 "(1) shall no longer be eligible to receive any
15 payments under section 9006; and

16 "(2) shall pay to the Secretary, as soon as prac-
17 ticable after the date upon which such individual ceases
18 to be a candidate, an amount equal to the amount of
19 payments received by such individual under section 9006
20 which are not used to defray qualified campaign
21 expenses."

22 (b) (1) Section 9032 (2) of the Internal Revenue Code
23 of 1954 (defining candidate) is amended by adding at the
24 end thereof the following new sentence: "The term 'candi-
25 date' shall not include any individual who is not actively

1 (conducting campaigns in more than one State in connection
2 with seeking nomination for election to be President of the
3 United States."

4 (2) Section 9033 of the Internal Revenue Code of 1954
5 (relating to eligibility for payments) is amended by adding
6 at the end thereof the following new subsection:

7 "(c) WITHDRAWAL BY CANDIDATE.—In any case in
8 which an individual ceases to be a candidate as a result of
9 the operation of the last sentence of section 9032 (2), such
10 individual—

11 "(1) shall no longer be eligible to receive any pay-
12 ments under section 9037; and

13 "(2) notwithstanding the provisions of section
14 9038 (b) (3), shall pay to the Secretary, as soon as
15 practicable after the date upon which such individual
16 ceases to be a candidate, an amount equal to the amount
17 of payments received by such individual under section
18 9037 which are not used to defray qualified campaign
19 expenses."

20 TECHNICAL AND CONFORMING AMENDMENTS

21 SEC. 308. (a) Section 9008 (b) (5) of the Internal
22 Revenue Code of 1954 (relating to adjustment of entitle-
23 ments) is amended—

24 (1) by striking out "section 608 (c) and section
25 608 (f) of title 18, United States Code," and inserting

1 in lieu thereof "section 320 (b) and section 320 (d) of
2 the Federal Election Campaign Act of 1971"; and

3 (2) by striking out "section 608 (d) of such title"
4 and inserting in lieu thereof "section 320 (c) of such
5 Act".

6 (b) Section 9034 (b) of the Internal Revenue Code of
7 1954 (relating to limitations) is amended by striking out
8 "section 608 (c) (1) (A) of title 18, United States Code,"
9 and inserting in lieu thereof "section 320 (b) (1) (A) of the
10 Federal Election Campaign Act of 1971".

11 (c) Section 9035 (a) of the Internal Revenue Code of
12 1954 (relating to expenditure limitations), as so redesignated
13 by section 305 (a), is amended by striking out "section
14 608 (c) (1) (A) of title 18, United States Code," and in-
15 serting in lieu thereof "section 320 (b) (1) (A) of the Fed-
16 eral Election Campaign Act of 1971".

A BILL

To amend the Federal Election Campaign Act of 1971 to provide that members of the Federal Election Commission shall be appointed by the President, by and with the advice and consent of the Senate, and for other purposes.

By Mr. HAYS of Ohio, Mr. THOMPSON, Mr. DENT, Mr. BRADEMAS, Mr. HAWKINS, Mr. ANNUNZIO, Mr. GAYDOS, Mr. JONES of Tennessee, Mr. MINISH, Mr. ROSE, and Mr. JOHN L. BURTON

MARCH 11, 1976

Referred to the Committee on House Administration