The original documents are located in Box 16, folder "Federal Election Campaign Act Amendments of 1976 - Conference Report" of the John Marsh Files at the Gerald R. Ford Presidential Library.

94TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 94-1057

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1976

APRIL 28, 1976.—Ordered to be printed

Mr. HAYS of Ohio, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 3065]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3065) to amend the Federal Election Campaign Act of 1971 to provide for its administration by a Federal Election Commission appointed in accordance with the requirements of the Constitution, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

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

TITLE I—AMENDMENTS TO FEDERAL ELECTION CAMPAIGN ACT OF 1971

FEDERAL ELECTION COMMISSION MEMBERSHIP

SEC. 101. (a)(1) The second sentence of section 309(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)(1)), as redesignated by section 105 (hereinafter in this Act referred to as the "Act"), is amended to read as follows: "The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives, ex officio and without the right to vote, and 6 members ap-

pointed by the President of the United States, by and with the advice and consent of the Senate.".

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

(b) Section 309(a)(2) of theAct (2 U.S.C. 437c(a)(2)), as redesignated by section 105, is amended to read as follows:

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

"(i) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1977;

"(ii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1979; and

"(iii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1981.

"(B) A member of the Commission may serve on the Commission after the expiration of his term until his successor has taken office as a member of the Commission.

"(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he succeeds.

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

(c)(1) Section 309(a)(3) of the Act (2 U.S.C. 437c(a)(3)), as redesignated by section 105, is amended by adding at the end thereof the following new sentences: "Members of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time such individual begins to serve as a member of the Commission shall terminate or liquidate such activity no later than 1 year after beginning to serve as such a member.".

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

"(b)(1) The Commission shall administer, seek to obtain compliance with, and formulate policy with respect to, this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954. The Commission shall have exclusive primary jurisdiction with respect to the civil enforcement of such provisions.

"(2) Nothing in this Act shall be construed to limit, restrict, or diminish any investigatory, informational, oversight, supervisory, or disciplinary authority or function of the Congress or any committee of the Congress with respect to elections for Federal office.".

(2) The first sentence of section 309(c) of the Act (2 U.S.C. 437c(c)), as redesignated by section 105, is amended by inserting immediately before the period at the end thereof the following: ", except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to establish guidelines for compliance with the provisions of this Act or with chapter 95 or chapter 96 of the Internal Revenue Code of 1954, or for the Commission to take any

action in accordance with paragraph (6), (7), (8), or (10) of section 310(a)".

(d) The last sentence of section 309(f)(1) of the Act (2 U.S.C. 437c(f)(1)), as redesignated by section 105, is amended by inserting immediately before the period the following: "without regard to the provisions of title 5, United States Code, governing appointments in the competitive service".

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

(2) The first appointments made by the President under section 309(a) of the Act (2 U.S.C. 437c(a)), as redesignated by section 105 and as amended by this section, shall not be considered to be appointments to fill the unexpired terms of members serving on the Federal Election Commission on the date of the enactment of this Act.

(3) Members serving on the Federal Election Commission on the date of the enactment of this Act may continue to serve as such members until new members are appointed and qualified under section 309(a) of the Act (2 U.S.C. 437c(a)), as redesignated by section 105 and as amended by this section, except that until appointed and qualified under this Act, members serving on such Commission on such date of enactment may, beginning on March 23, 1976, exercise only such powers and functions as may be consistent with the determinations of the Supreme Court of the United States in Buckley et al. against Valeo, Secretary of the United States Senate, et al. (numbered 75–436, 75–437) January 30, 1976.

(f) The provisions of section 309(a)(3) of the Act (2 U.S.C. 437c(a)(3)), as redesignated by section 105, which prohibit any individual from being appointed as a member of the Federal Election Commission who is, at the time of his appointment, an elected or appointed officer or employee of the executive, legislative, or judicial branch of the Federal Government, shall not apply in the case of any individual serving as a member of such Commission on the date of the enactment of this Act.

(g)(1) All personnel, liabilities, contracts, property, and records determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with the functions of the Federal Election Commission under title III of the Act as such title existed on January 1, 1976, or under any other provision of law, are transferred to such Commission as constituted under the amendments made by this Act to the Federal Election Campaign Act of 1971.

(2)(A) Except as provided in subparagraph (B), personnel engaged in functions transferred under paragraph (1) shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions.

(B) The transfer of personnel pursuant to paragraph (1) shall be without reduction in classification or compensation for 1 year after such transfer.

(3) All laws relating to the functions transferred under this Act shall, insofar as such laws are applicable and not amended by this

Act, remain in full force and effect. All orders, determinations, rules, and opinions made, issued, or granted by the Federal Election Commission before its reconstitution under the amendments made by this Act which are in effect at the time of the transfer provided by paragraph (1), and which are consistent with the amendments made by this Act, shall continue in effect to the same extent as if such transfer had not occurred. Any rule or regulation proposed by such Commission before the date of the enactment of this Act shall be prescribed by such Commission only if, after such date of enactment, the rule or regulation is submitted to the Senate or the House of Representatives, as the case may be, in accordance with the provisions of section 315(c) of the Act (as redesignated by section 105), and it is not disapproved by the appropriate House of the Congress.

(4) The provisions of this Act shall not affect any proceeding pending before the Federal Election Commission on the date of the enactment of this Act.

(5) No suit, action, or other proceeding commenced by or against the Federal Election Commission or any officer or employee thereof acting in his official capacity shall abate by reason of the transfer made under paragraph (1). The court before which such suit, action, or other proceeding is pending may, on motion or supplemental petition filed at any time within 12 months after the date of the enactment of this Act, allow such suit, action, or other proceeding to be maintained against the Federal Election Commission if the party making the motion or filing the petition shows a necessity for the survival of the suit, action, or other proceeding to obtain a settlement of the question involved.

(6) Any reference in any other Federal law to the Federal Election Commission, or to any member or employee thereof, as such Commission existed under the Federal Election Campaign Act of 1971 before its amendment by this Act shall be held and considered to refer to the Federal Election Commission, or the members or employees thereof, as such Commission exists under the Federal Election Campaign Act of 1971 as amended by this Act.

CHANGES IN DEFINITIONS

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

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

(c) Section 301(e)(4) of the Act (2 U.S.C. 431(e)(4)) is amended by inserting after "purpose" the following: ", except that this paragraph shall not apply in the case of legal or accounting services rendered to or on behalf of the national committee of a political party (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), other than services attributable to activities which directly further the election of a designated candidate or candidates to Federal office, nor shall this paragraph apply in the case of legal or accounting services rendered to or on behalf of a candidate or political committee solely for the purpose of ensuring compliance with the provisions of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954 (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), but amounts paid or incurred for such legal or accounting services shall be reported in accordance with the requirements of section 304(b)".

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

(1) by striking out "or" at the end of clause (E); and

(2) by inserting after clause (F) the following new clauses:

"(G) a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business, but such loans—

"(i) shall be reported in accordance with the requirements of section 304(b); and

"(ii) shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance thereof that each endorser or guarantor bears to the total number of endorsers or guarantors;

"(H) a gift, subscription, loan, advance, or deposit of money or anything of value to a national committee of a political party or a State committee of a political party which is specifically designated for the purpose of defraying any cost incurred with respect to the construction or purchase of any office facility which is not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office, except that any such gift, subscription, loan, advance, or deposit of money or anything of value, and any such cost, shall be reported in accordance with section 304(b); or

"(I) any honorarium (within the meaning of section 328);".

(e) Section 301(e)(5) of the Act (2 U.S.C. 431(e)(5)), as amended by subsection (d), is amended by striking out "individual" where it appears after clause (I) and inserting in lieu thereof "person".

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

(1) by inserting before the semicolon in clause (C) the following: ", except that the costs incurred by a membership organization, including a labor organization, or by a corporation, directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate) shall, if those costs exceed $2,000 per election, be reported to the Commission";

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

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

"(I) any costs incurred by a candidate in connection with the solicitation of contributions by such candidate, except that this clause shall not apply with respect to costs incurred by a

candidate in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 320(b), but all such costs shall be reported in accordance with section 304(b);

"(J) the payment, by any person other than a candidate or political committee, of compensation for legal or accounting services rendered to or on behalf of the national committee of a political party (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), other than services attributable to activities which directly further the election of a designated candidate or candidates to Federal office, or the payment for legal or accounting services rendered to or on behalf of a candidate or political committee solely for the purpose of ensuring compliance with the provisions of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), but amounts paid or incurred for such legal or accounting services shall be reported under section 304(b); or

"(K) a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business, but such loan shall be reported in accordance with section 304(b);".

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

(1) by striking out "and" at the end of paragraph (m);

(2) by striking out the period at the end of paragraph (n) and inserting in lieu thereof a semicolon; and

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

"(o) 'Act' means the Federal Election Campaign Act of 1971 as amended by the Federal Election Campaign Act Amendments of 1974 and the Federal Election Campaign Act Amendments of 1976;

"(p) 'independent expenditure' means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate or any authorized committee or agent of such candidate and which is not made in concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

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

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 103. (a) Section 302(b) of the Act (2 U.S.C. 432(b)) is amended by striking out "$10" and inserting in lieu thereof "$50".

(b) Section 302(c)(2) of the Act (2 U.S.C. 432(c)(2)) is amended by striking out "$10" and inserting in lieu thereof "$50".

(c) Section 302 of the Act (2 U.S.C. 432) is amended by striking out subsection (e) and by redesignating subsection (f) as subsection (e).

(d) Section 302(e)(1) of the Act, as redesignated by subsection (c), 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.".

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 104. (a) Section 304(a)(1) of the Act (2 U.S.C. 434(a)(1)) is amended by adding at the end of subparagraph (C) the following new sentence: "In any year in which a candidate is not on the ballot for election to Federal office such candidate and his authorized committees shall only be required to file such reports not later than the tenth day following the close of any calendar quarter in which the candidate and his authorized committees received contributions or made expenditures, or both, the total amount of which, taken together, exceeds $5,000, and such reports shall be complete as of the close of such calendar quarter; except that any such report required to be filed after December 31 of any calendar year with respect to which a report is required to be filed under subparagraph (B) shall be filed as provided in such subparagraph.".

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

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

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

(1) by striking out "and" at the end of paragraph (12);

(2) by redesignating paragraph (13) as paragraph (14);

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

"(13) in the case of an independent expenditure in excess of $100 by a political committee, other than an authorized committee of a candidate, expressly advocating the election or defeat of a clearly identified candidate, through a separate schedule (A) any information required by paragraph (9), stated in a manner which indicates whether the independent expenditure involved is in support of, or in opposition to, a candidate; and (B) under penalty of perjury, a certification whether such independent expenditure is made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and"; and

(4) by adding at the end thereof the following new sentence: "When committee treasurers and candidates show that best efforts have been used to obtain and submit the information required by this subsection, they shall be deemed to be in compliance with this subsection.".

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

"(e)(1) Every person (other than a political committee or candidate) who makes contributions or independent expenditures expressly

advocating the election or defeat of a clearly identified candidate, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 during a calendar year shall file with the Commission, on a form prepared by the Commission, a statement containing the information required of a person who makes a contribution in excess of $100 to a candidate or political committee and the information required of a candidate or political committee receiving such a contribution.

"(2) Statements required by this subsection shall be filed on the dates on which reports by political committees are filed. Such statements shall include (A) the information required by subsection (b)(9), stated in a manner indicating whether the contribution or independent expenditure is in support of, or opposition to, the candidate; and (B) under penalty of perjury, a certification whether such independent expenditure is made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate. Any independent expenditure, including those described in subsection (b)(13), of $1,000 or more made after the fifteenth day, but more than 24 hours, before any election shall be reported within 24 hours of such independent expenditure.

"(3) The Commission shall be responsible for expeditiously preparing indices which set forth, on a candidate-by-candidate basis, all expenditures separately, including those reported under subsection (b)(13), made with respect to each candidate, as reported under this subsection, and for periodically issuing such indices on a timely preelection basis.".

REPORTS BY CERTAIN PERSONS

SEC. 105. Title III of the Act (2 U.S.C. 431 et seq.) is amended by striking out section 308 thereof (2 U.S.C. 437a) and by redesignating section 309 through section 321 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 redesignated by section 105, is amended by striking out "a checking account" and inserting in lieu thereof the following: "a single checking account and such other accounts as the committee determines to maintain at its discretion".

POWERS OF COMMISSION

SEC. 107. (a) Section 310(a) of the Act (2 U.S.C. 437d(a)), as 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"; 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 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 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 and section 312(b) of the Act (2 U.S.C. 437f(a), 437f(b)), as redesignated by section 105, are amended to read as follows:

"SEC. 312. (a) The Commission shall render an advisory opinion, in writing, within a reasonable time in response to a written request by any individual holding Federal office, any candidate for Federal office, any political committee, or the national committee of any political party concerning the application of a general rule of law stated in the Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954, or a general rule of law prescribed as a rule or regulation by the Commission, to a specific factual situation. Any such general rule of law not stated in the Act or in chapter 95 or chapter 96 of the Internal Revenue Code of 1954 may be initially proposed by the Commission only as a rule or regulation pursuant to the procedures established by section 315(c). No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.

"(b)(1) Notwithstanding any other provision of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraph (2) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

"(2) Any advisory opinion rendered by the Commission under subsection (a) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.".

(b) The Commission shall, no later than 90 days after the date of the enactment of this Act, conform the advisory opinions issued before such date of enactment to the requirements established by section 312(a) of the Act, as amended by subsection (a) of this section. The provisions of section 312(b) of the Act, as amended by subsection (a) of

this section, shall apply with respect to all advisory opinions issued before the date of the enactment of this Act as conformed to meet the requirements of section 312(a) of the Act, as amended by subsection (a) of this section.

ENFORCEMENT

SEC. 109. Section 313 of the Act (2 U.S.C. 437g), as redesignated by section 105, is amended to read as follows:

"ENFORCEMENT

"SEC. 313. (a)(1) Any person who believes a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has occurred may file a complaint with the Commission. Such complaint shall be in writing, shall be signed and sworn to by the person filing such complaint, and shall be notarized. Any person filing such a complaint shall be subject to the provisions of section 1001 of title 18, United States Code. The Commission may not conduct any investigation under this section, or take any other action under this section, solely on the basis of a complaint of a person whose identity is not disclosed to the Commission.

"(2) The Commission, upon receiving a complaint under paragraph (1), and if it has reason to believe that any person has committed a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, or, if the Commission, on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, has reason to believe that such a violation has occurred, shall notify the person involved of such alleged violation and shall make an investigation of such alleged violation in accordance with the provisions of this section.

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

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

"(4) The Commission shall afford any person who receives notice of an alleged violation under paragraph (2) a reasonable opportunity to demonstrate that no action should be taken against such person by the Commission under this Act.

"(5)(A) If the Commission determines that there is reasonable cause to believe that any person has committed or is about to commit a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall make every endeavor for a period of not less than 30 days to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with the person involved, except that, if the Commission has reasonable cause to believe that—

"(i) any person has failed to file a report required to be filed under section 304(a)(1)(C) for the calendar quarter occurring immediately before the date of a general election;

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

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

the Commission shall make every effort, for a period of not less than one-half the number of days between the date upon which the Commission determines there is reasonable cause to believe such a violation has occurred and the date of the election involved, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with the person involved. A conciliation agreement, unless violated, shall constitute a complete bar to any further action by the Commission, including the bringing of a civil proceeding under subparagraph (B).

"(B) If the Commission is unable to correct or prevent any such violation by such informal methods, the Commission may, if the Commission determines there is probable cause to believe that a violation has occurred or is about to occur, institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order, including a civil penalty which does not exceed the greater of $5,000 or an amount equal to the amount of any contribution or expenditure involved in such violation, in the district court of the United States for the district in which the person against whom such action is brought is found, resides, or transacts business.

"(C) In any civil action instituted by the Commission under subparagraph (B), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty which does not exceed the greater of $5,000 or an amount equal to the amount of any contribution or expenditure involved in such violation, upon a proper showing that the person involved has engaged or is about to engage in a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

"(D) If the Commission determines that there is probable cause to believe that a knowing and willful violation subject to and as defined in section 329, or a knowing and willful violation of a provision of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has occurred or is about to occur, it may refer such apparent violation to the Attorney General of the United States without regard to any limitation set forth in subparagraph (A).

"(6)(A) If the Commission believes that there is clear and convincing proof that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, has been committed, a conciliation agreement entered into by the Commission under paragraph (5)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which shall not exceed the greater of (i) $10,000; or (ii) an amount equal to 200 percent of the amount of any contribution or expenditure involved in such violation.

"(B) If the Commission believes that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has

been committed, a conciliation agrement entered into by the Commission under paragraph (5)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of (i) $5,000; or (ii) an amount equal to the amount of the contribution or expenditure involved in such violation.

"(C) The Commission shall make available to the public (i) the results of any conciliation attempt, including any conciliation agreement entered into by the Commission; and (ii) any determination by the Commission that no violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has occurred.

(7) In any civil action for relief instituted by the Commission under paragraph (5), if the court determines that the Commission has established through clear and convincing proof that the person involved in such civil action has committed a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the court may impose a civil penalty of not more than the greater of (A) $10,000; or (B) an amount equal to 200 percent of the contribution or expenditure involved in such violation. In any case in which such person has entered into a conciliation agreement with the Commission under paragraph (5)(A), the Commission may institute a civil action for relief under paragraph (5) if it believes that such person has violated any provision of such conciliation agreement. In order for the Commission to obtain relief in any such civil action, it shall be sufficient for the Commission to establish that such person has violated, in whole or in part, any requirement of such conciliation agreement.

"(8) In any action brought under paragraph (5) or paragraph (7), subpenas for witnesses who are required to attend a United States district court may run into any other district.

"(9)(A) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party under paragraph (1), or by a failure on the part of the Commission to act on such complaint in accordance with the provisions of this section within 90 days after the filing of such complaint, may file a petition with the United States District Court for the District of Columbia.

"(B) The filing of any petition under subparagraph (A) shall be made—

"(i) in the case of the dismissal of a complaint by the Commission, no later than 60 days after such dismissal; or

"(ii) in the case of a failure on the part of the Commission to act on such complaint, no later than 60 days after the 90-day period specified in subparagraph (A).

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

"(10) The judgment of the district court may be appealed to the court of appeals and the judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court

shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

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

"(12) If the Commission determines after an investigation that any person has violated an order of the court entered in a proceeding brought under paragraph (5) it may petition the court for an order to adjudicate such person in civil contempt, except that if it believes the violation to be knowing and willful it may petition the court for an order to adjudicate such person in criminal contempt.

"(b) In any case in which the Commission refers an apparent violation to the Attorney General, the Attorney General shall respond by report to the Commission with respect to any action taken by the Attorney General regarding such apparent violation. Each report shall be transmitted no later than 60 days after the date the Commission refers any apparent violation, and at the close of every 30-day period thereafter until there is final disposition of such apparent violation. The Commission may from time to time prepare and publish reports on the status of such referrals.

"(c) Any member of the Commission, any employee of the Commission, or any other person who violates the provisions of subsection (a)(3)(B) shall be fined not more than $2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subsection (a)(3)(B) shall be fined not more than $5,000.".

DUTIES OF COMMISSION

SEC. 110. (a)(1) Section 315(a)(6) of the Act (2 U.S.C. 438(a)(6)), as redesignated by section 105, is amended by inserting immediately before the semicolon at the end thereof the following: ", and to compile and maintain a separate cumulative index of reports and statements filed with it by political committees supporting more than one candidate, which shall include a listing of the date of the registration of any such political committee and the date upon which any such political committee qualifies to make expenditures under section 320(a)(2), and which shall be revised on the same basis and at the same time as the other cumulative indices required under this paragraph".

(2) Section 315(a)(8) of the Act (2 U.S.C. 438(a)(8)), as redesignated by section 105, is amended by inserting immediately before the semicolon at the end thereof the following: ", and to give priority to auditing and field investigating of the verification for, and the receipt and use of, any payments received by a candidate under chapter 95 or chapter 96 of the Internal Revenue Code of 1954".

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

(1) by inserting immediately after the second sentence of paragraph (2) the following new sentences: "Whenever a committee of the House of Representatives reports any resolution relating to any such rule or regulation, it is at any time thereafter in order

(even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to."; and

(2) by adding the following new paragraph at the end thereof:

"(5) For purposes of this subsection, the term 'rule or regulation' means a provision or series of interrelated provisions stating a single separable rule of law.".

ADDITIONAL ENFORCEMENT AUTHORITY

SEC. 111. Section 407 of the Act (2 U.S.C. 456) is repealed.

CONTRIBUTION AND EXPENDITURE LIMITATIONS; OTHER LIMITATIONS

SEC. 112. Title III of the Act (2 U.S.C. 431–441) is amended—

(1) by striking out section 320 (2 U.S.C. 441), as redesignated by section 105; and

(2) by inserting immediately after section 319 (2 U.S.C. 439c), as redesignated by section 105, the following new sections:

"LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES

"SEC. 320. (a) (1) No person shall make contributions—

"(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000;

"(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $20,000; or

"(C) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

"(2) No multicandidate political committee shall make contributions—

"(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $5,000;

"(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year, which, in the aggregate, exceed $15,000; or

"(C) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

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

"(4) The limitations on contributions contained in paragraphs (1) and (2) do not apply to transfers between and among political committees which are national, State, district, or local committees (including any subordinate committee thereof) of the same political party. For purposes of paragraph (2), the term 'multicandidate political committee' means a political committee which has been registered under section 303 for a period of not less than 6 months, which has received contributions from more than 50 persons, and, except for any state political party organization, has made contributions to 5 or more candidates for Federal office.

"(5) For purposes of the limitations provided by paragraph (1) and paragraph (2), all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons, shall be considered to have been made by a single political committee, except that (A) nothing in this sentence shall limit transfers between political committees of funds raised through joint fundraising efforts; (B) for purposes of the limitations provided by paragraph (1) and paragraph (2), all contributions made by a single political committee established or financed or maintained or controlled by a national committee of a political party and by a single political committee established or financed or maintained or controlled by a State committee of a political party shall not be considered to have been made by a single political committee; and (C) nothing in this section shall limit the transfer of funds between the principal campaign committee of a candidate seeking nomination or election to a Federal office and the principal campaign committee of that candidate for nomination or election to another Federal office if (i) such transfer is not made when the candidate is actively seeking nomination or election to both such offices; (ii) the limitations contained in this Act on contributions by persons are not exceeded by such transfer; and (iii) the candidate has not elected to receive any funds under chapter 95 or chapter 96 of the Internal Revenue Code of 1954. In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish or finance or maintain or control more than one separate segregated fund, all such separate segregated funds shall be treated as a single separate segregated fund for purposes of the limitations provided by paragraph (1) and paragraph (2).

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

"(7) For purposes of this subsection—

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

"(B) (i) expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a

candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate;

"(ii) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents shall be considered to be an expenditure for purposes of this paragraph; and

"(C) contributions made to or for the benefit of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be contributions made to or for the benefit of the candidate of such party for election to the office of President of the United States.

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

"(b)(1) No candidate for the office of President of the United States who is eligible under section 9003 of the Internal Revenue Code of 1954 (relating to condition for eligibility for payments) or under section 9033 of the Internal Revenue Code of 1954 (relating to eligibility for payments) to receive payments from the Secretary of the Treasury may make expenditures in excess of—

"(A) $10,000,000, in the case of a campaign for nomination for election to such office, except the aggregate of expenditures under this subparagraph in any one State shall not exceed the greater of 16 cents multiplied by the voting age population of the State (as certified under subsection (e)), or $200,000; or

"(B) $20,000,000 in the case of a campaign for election to such office.

"(2) For purposes of this subsection—

"(A) expenditures made by or on behalf of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be expenditures made by or on behalf of the candidate of such party for election to the office of President of the United States; and

"(B) an expenditure is made on behalf of a candidate, including a vice presidential candidate, if it is made by—

"(i) an authorized committee or any other agent of the candidate for purposes of making any expenditure; or

"(ii) any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate, to make the expenditure.

"(c)(1) At the beginning of each calendar year (commencing in 1976), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Commission and publish in the Federal Register the percent difference between the price index for the 12 months

preceding the beginning of such calendar year and the price index for the base period. Each limitation established by subsection (b) and subsection (d) shall be increased by such percent difference. Each amount so increased shall be the amount in effect for such calendar year.

"(2) For purposes of paragraph (1)—

"(A) the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

"(B) the term 'base period' means the calendar year 1974.

"(d)(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee of a political party and a State committee of a political party, including any subordinate committee of a State committee, may make expenditures in connection with the general election campaign of candidates for Federal office, subject to the limitations contained in paragraphs (2) and (3) of this subsection.

"(2) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds an amount equal to 2 cents multiplied by the voting age population of the United States (as certified under subsection (e)). Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.

"(3) The national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, may not make any expenditure in connection with the general election campaign of a candidate for Federal office in a State who is affiliated with such party which exceeds—

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

"(i) 2 cents multiplied by the voting age population of the State (as certified under subsection (e)); or

"(ii) $20,000; and

"(B) in the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other State, $10,000.

"(e) During the first week of January 1975, and every subsequent year, the Secretary of Commerce shall certify to the Commission and publish in the Federal Register an estimate of the voting age population of the United States, of each State, and of each congressional district as of the first day of July next preceding the date of certification. The term 'voting age population' means resident population, 18 years of age or older.

"(f) No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a

candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this section.

"(g) The Commission shall prescribe rules under which any expenditure by a candidate for presidential nomination for use in 2 or more States shall be attributed to such candidate's expenditure limitation in each such State, based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.

"(h) Notwithstanding any other provision of this Act, amounts totaling not more than $17,500 may be contributed to a candidate for nomination for election, or for election, to the United States Senate during the year in which an election is held in which he is such a candidate, by the Republican or Democratic Senatorial Campaign Committee, or the national committee of a political party, or any combination of such committees.

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

"SEC. 321. (a) It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribition or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation or any national bank or any officer of any labor organization to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section.

"(b)(1) For purposes of this section the term 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

"(2) For purposes of this section and section 12(h) of the Public Utility Holding Company Act (15 U.S.C. 79l(h)), the term 'contribution or expenditure' shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section, but shall

not include (A) communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject; (B) nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families; and (C) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.

"(3) It shall be unlawful—

"(A) for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by moneys obtained in any commercial transaction;

"(B) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation; and

"(C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal.

"(4)(A) Except as provided in subparagraphs (B), (C), and (D), it shall be unlawful—

"(i) for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund from any person other than its stockholders and their families and its executive or administrative personnel and their families, and

"(ii) for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families.

"(B) It shall not be unlawful under this section for a corporation, a labor organization, or a separate segregated fund established by such corporation or such labor organization, to make 2 written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel, or employee of a corporation or the families of such persons. A solicitation under this subparagraph may be made only by mail addressed to stockholders, executive or administrative personnel, or employees at their residence and shall be so designed that the corporation, labor organization, or separate segregated fund conducting such solicitation cannot determine who makes a contribution of $50 or less as a result of such solicitation and who does not make such a contribution.

"(C) This paragraph shall not prevent a membership organization, cooperative, or corporation without capital stock, or a separate segregated fund established by a membership organization, cooperative, or

corporation without capital stock, from soliciting contributions to such a fund from members of such organization, cooperative, or corporation without capital stock.

"(D) This paragraph shall not prevent a trade association or a separate segregated fund established by a trade association from soliciting contributions from the stockholders and executive or administrative personnel of the member corporations of such trade association and the families of such stockholders or personnel to the extent that such solicitation of such stockholders and personnel, and their families, has been separately and specifically approved by the member corporation involved, and such member corporation does not approve any such solicitation by more than one such trade association in any calendar year.

"(5) Notwithstanding any other law, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members.

"(6) Any corporation, including its subsidiaries, branches, divisions, and affiliates, that utilizes a method of soliciting voluntary contributions or facilitating the making of voluntary contributions, shall make available such method, on written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby, to a labor organization representing any members working for such corporation, its subsidiaries, branches, divisions, and affiliates.

"(7) For purposes of this section, the term 'executive or administrative personnel' means individuals employed by a corporation who are paid on a salary, rather than hourly, basis and who have policymaking, managerial, professional, or supervisory responsibilities.

"CONTRIBUTIONS BY GOVERNMENT CONTRACTORS

"SEC. 322. (a) It shall be unlawful for any person—

"(1) who enters into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (A) the completion of performance under; or (B) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(2) knowingly to solicit any such contribution from any such person for any such purpose during any such period.

"(b) This section does not prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, any separate segregated fund by any corporation, labor organization, membership organization, cooperative, or corporation without capital stock for the purpose of influencing the nomination for election, or election, of any person to Federal office, unless the provisions of section 321 prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, such fund. Each specific prohibition, allowance, and duty applicable to a corporation, labor organization, or separate segregated fund under section 321 applies to a corporation, labor organization, or separate segregated fund to which this subsection applies.

"(c) For purposes of this section, the term 'labor organization' has the meaning given it by section 321(b)(1).

"PUBLICATION OR DISTRIBUTION OF POLITICAL STATEMENTS

"SEC. 323. Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication—

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

"(2) if not authorized by a candidate, his authorized political committees, or their agents, shall clearly and conspicuously, in accordance with regulations prescribed by the Commission, state that the communication is not authorized by any candidate, and state the name of the person who made or financed the expenditure for the communication, including, in the case of a political committee, the name of any affiliated or connected organization required to be disclosed under section 303(b)(2).

"CONTRIBUTIONS BY FOREIGN NATIONALS

"SEC. 324. (a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

"(b) As used in this section, the term 'foreign national' means—

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

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

"PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

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

"LIMITATION ON CONTRIBUTION OF CURRENCY

"SEC. 326. No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed $100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office.

"FRAUDULENT MISREPRESENTATION OF CAMPAIGN AUTHORITY

"SEC. 327. No person who is a candidate for Federal office or an employee or agent of such a candidate shall—

"(1) fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

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

"ACCEPTANCE OF EXCESSIVE HONORARIUMS

"SEC. 328. No person while an elected or appointed officer or employee of any branch of the Federal Government shall accept—

"(1) any honorarium of more than $2,000 (excluding amounts accepted for actual travel and subsistence expenses for such person and his spouse or an aide to such person, and excluding amounts paid or incurred for any agents' fees or commissions) for any appearance, speech, or article; or

"(2) honorariums (not prohibited by paragraph (1) of this section) aggregating more than $25,000 in any calendar year.

"PENALTY FOR VIOLATIONS

"SEC. 329. (a) Any person, following the date of the enactment of this section, who knowingly and willfully commits a violation of any provision or provisions of this Act which involves the making, receiving, or reporting of any contribution or expenditure having a value in the aggregate of $1,000 or more during a calendar year shall be fined in an amount which does not exceed the greater of $25,000 or 300 percent of the amount of any contribution or expenditure involved in such violation, imprisoned for not more than 1 year, or both. In the case of a knowing and willful violation of section 321(b)(3), including such a violation of the provisions of such section as applicable through section 322(b), of section 325, or of section 326, the penalties set forth in this section shall apply to a violation involving an amount having a value in the aggregate of $250 or more during a calendar year. In the case of a knowing and willful

violation of section 327, the penalties set forth in this section shall apply without regard to whether the making, receiving, or reporting of a contribution or expenditure of $1,000 or more is involved.

"(b) A defendant in any criminal action brought for the violation of a provision of this Act, or of a provision of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, may introduce as evidence of his lack of knowledge of or intent to commit the offense for which the action was brought a conciliation agreement entered into between the defendant and the Commission under section 313 which specifically deals with the act or failure to act constituting such offense and which is still in effect.

"(c) In any criminal action brought for a violation of a provision of this Act, or of a provision of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the court before which such action is brought shall take into account, in weighing the seriousness of the offense and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

"(1) the specific act or failure to act which constitutes the offense for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Commission under section 313;

"(2) the conciliation agreement is in effect; and

"(3) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 113. Section 319 of the Act (2 U.S.C. 439c), as redesignated by section 105, is amended by adding at the end thereof the following sentence: "There are authorized to be appropriated to the Commission $6,000,000 for the fiscal year ending June 30, 1976, $1,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, and $6,000,000 for the fiscal year ending September 30, 1977.".

SAVINGS PROVISION

SEC. 114. Except as otherwise provided by this Act, the repeal by this Act of any section or penalty shall not have the effect of releasing or extinguishing any penalty, forfeiture, or liability incurred under such section or penalty, and such section or penalty 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.

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) Section 310(a)(7) of the Act (2 U.S.C. 437d(a)(7)), as 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)".

(d)(1) Section 301(e)(5)(F) of the Act (2 U.S.C. 431(e)(5)(F)) is amended by striking out "the last paragraph of section 610 of title 18, United States Code" and inserting in lieu thereof "section 321(b)".

(2) Section 301(f)(4)(H) of the Act (2 U.S.C. 431(f)(4)(H)) is amended by striking out "the last paragraph of section 610 of title 18, United States Code" and inserting in lieu thereof "section 321(b)".

(e) Section 314(a) of the Act (2 U.S.C. 437h(a)), as redesignated by section 105, is amended by striking out "or of section 608, 610, 611, 613, 614, 615, 616, or 617 of title 18, United States Code" in the first sentence of such subsection and by striking out "or of section 608, 610, 611, 613, 614, 615, 616, or 617 of title 18, United States Code," in the second sentence of such subsection.

(f)(1) Section 406(a) of the Act (2 U.S.C. 455(a)) is amended by striking out "or section 608, 610, 611, 613, 614, 615, 616, or 617 of title 18, United States Code".

(2) Section 406(b) of the Act (2 U.S.C. 455(b)) is amended by striking out "or section 608, 610, 611, or 613 of title 18, United States Code,".

(g) Section 591 of title 18, United States Code, as amended by section 202(c), is amended—

(1) by striking out "608(c) of this title" in paragraph (f)(4)(I) and inserting in lieu thereof "section 320(b) of the Federal Election Campaign Act of 1971";

(2) by striking out "by section 608(b)(2) of this title" in paragraph (f)(4)(J) and inserting in lieu thereof "under section 320(a)(2) of the Federal Election Campaign Act of 1971"; and

(3) by striking out "310(a)" in paragraph (k) and inserting in in lieu thereof "309(a)".

(h) Section 301(n) of the Act (2 U.S.C. 431(n)) is amended by striking out "302(f)(1)" and inserting in lieu thereof "302(e)(1)".

(i) The third sentence of section 308(a)(1) of the Act (2 U.S.C. 437b(a)(1)), as redesignated by section 105, is amended by striking out "97" and inserting in lieu thereof "96".

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 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 608, 610, 611, 612, 613, 614, 615, 616, and 617.

CHANGES IN DEFINITIONS

SEC. 202. (a) Section 591 of title 18, United States Code, is amended by striking out "602, 608, 610, 611, 614, 615, and 617" and inserting in lieu thereof "and 602".

(b) Section 591(e)(4) of title 18, United States Code, is amended by inserting immediately before the semicolon the following: ", except that this paragraph shall not apply in the case of legal or accounting services rendered to or on behalf of the national committee of a political party (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), other than services attributable to activities which directly further the election of a designated candidate or candidates to Federal office, nor shall this paragraph apply in the case of legal or accounting services rendered to or on behalf of a candidate or political committee solely for the purpose of ensuring compliance with the provisions of the Federal Election Campaign Act of 1971 or chapter 95 or chapter 96 of the Internal Revenue Code of 1954 (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), but amounts paid or incurred for such legal or accounting services shall be reported in accordance with the requirements of section 304(b) of the Federal Election Campaign Act of 1971".

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

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

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

"(F) the payment, by any person other than a candidate or political committee, of compensation for legal or accounting services rendered to or on behalf of the national committee of a political party (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), other than services attributable to activities which directly further the election of a designated candidate or candidates to Federal office, or the payment for legal or accounting services rendered to or on behalf of a candidate or political committee solely for the purpose of ensuring compliance with the provisions of the Federal Election Campaign Act of 1971 or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), but amounts paid or incurred for such legal or accounting services shall be reported under section 304(b) of the Federal Election Campaign Act of 1971;".

TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1954

ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

SEC. 301. (a) 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:

"(d) EXPENDITURES FROM PERSONAL FUNDS.—In order to be eligible to receive any payment under section 9006, the candidate of a major,

minor, or new party in an election for the office of President shall certify to the Commission, under penalty of perjury, that such candidate will not knowingly make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for election to the office of President in excess of, in the aggregate, $50,000. For purposes of this subsection, expenditures from personal funds made by a candidate of a major, minor, or new party for the office of Vice President shall be considered to be expenditures by the candidate of such party for the office of President.

"(e) DEFINITION OF IMMEDIATE FAMILY.—For purposes of subsection (d), the term 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.".

(b) For purposes of applying section 9004(d) of the Internal Revenue Code of 1954, as added by subsection (a), expenditures made by an individual after January 29, 1976, and before the date of the enactment of this Act shall not be taken into account.

PAYMENTS TO ELIGIBLE CANDIDATES; INSUFFICIENT AMOUNTS IN FUND

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

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

PROVISION OF LEGAL OR ACCOUNTING SERVICES

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

"(4) PROVISION OF LEGAL OR ACCOUNTING SERVICES.—For purposes of this section, the payment, by any person other than the national committee of a political party (unless the person paying for such services is a person other than the regular employer of the individual rendering such services) of compensation to any individual for legal or accounting services rendered to or on behalf of the national committee of a political party shall not be treated as an expenditure made by or on behalf of such committee with respect to its limitations on presidential nominating convention expenses.".

REVIEW OF REGULATIONS

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

(1) in paragraph (2) thereof, by inserting immediately after the first sentence thereof the following new sentences: "Whenever a committee of the House of Representatives reports any resolution relating to any such rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to."; and

(2) by adding at the end thereof the following new paragraph:

"(4) For purposes of this subsection, the term 'rule or regulation' means a provision or series of interrelated provisions stating a single separable rule of law.".

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

(1) in paragraph (2) thereof, by inserting immediately after the first sentence thereof the following new sentences: "Whenever a committee of the House of Representatives reports any resolution relating to any such rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to."; and

(2) by adding at the end thereof the following new paragraph:

"(4) For purposes of this subsection, the term 'rule or regulation' means a provision or series of interrelated provisions stating a single separable rule of law.".

QUALIFIED CAMPAIGN EXPENSE LIMITATION

SEC. 305. (a) Section 9035 of the Internal Revenue Code of 1954 (relating to qualified campaign expense limitation) is amended—

*(1) in the heading thereof, by striking out "**LIMITATION**" and inserting in lieu thereof "**LIMITATIONS**";*

(2) by inserting "(a) EXPENDITURE LIMITATIONS.—" immediately before "No candidate";

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

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

"(b) DEFINITION OF IMMEDIATE FAMILY.—For purposes of this section, the term 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.".

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

"Sec. 9035. Qualified campaign expense limitations.".

(c) Section 9033(b)(1) of the Internal Revenue Code of 1954 (relating to expense limitation; declaration of intent; minimum contributions) is amended by striking out "limitation" and inserting in lieu thereof "limitations".

(d) For purposes of applying section 9035(a) of the Internal Revenue Code of 1954, as amended by subsection (a), expenditures made by an individual after January 29, 1976, and before the date of the enactment of this Act shall not be taken into account.

RETURN OF FEDERAL MATCHING PAYMENTS

SEC. 306. (a)(1) Section 9002(2) of the Internal Revenue Code of 1954 (defining candidate) is amended by adding at the end thereof the following new sentence: "The term 'candidate' shall not include any individual who has ceased actively to seek election to the office of President of the United States or to the office of Vice President of the United States, in more than one State.".

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

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

"(1) shall no longer be eligible to receive any payments under section 9006, except that such individual shall be eligible to receive payments under such section to defray qualified campaign expenses incurred while actively seeking election to the office of President of the United States or to the office of Vice President of the United States in more than one State; and

"(2) shall pay to the Secretary or his delegate, as soon as practicable after the date upon which such individual ceases to be a candidate, an amount equal to the amount of payments received by such individual under section 9006 which are not used to defray qualified campaign expenses.".

(b)(1) Section 9032(2) of the Internal Revenue Code of 1954 (defining candidate) is amended by adding at the end thereof the following new sentence: "The term 'candidate' shall not include any individual who is not actively conducting campaigns in more than one State in connection with seeking nomination for election to be President of the United States.".

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

"(c) TERMINATION OF PAYMENTS.—

"(1) GENERAL RULE.—Except as provided by paragraph (2), no payment shall be made to any individual under section 9037—

"(A) if such individual ceases to be a candidate as a result of the operation of the last sentence of section 9032(2); or

"(B) more than 30 days after the date of the second consecutive primary election in which such individual receives less than 10 percent of the number of votes cast for all candi-

dates of the same party for the same office in such primary election, if such individual permitted or authorized the appearance of his name on the ballot, unless such individual certifies to the Commission that he will not be an active candidate in the primary involved.

"(2) QUALIFIED CAMPAIGN EXPENSES; PAYMENTS TO SECRETARY.—Any candidate who is ineligible under paragraph (1) to receive any payments under section 9037 shall be eligible to continue to receive payments under section 9037 to defray qualified campaign expenses incurred before the date upon which such candidate becomes ineligible under paragraph (1).

"(3) CALCULATION OF VOTING PERCENTAGE.—For purposes of paragraph (1)(B), if the primary elections involved are held in more than one State on the same date, a candidate shall be treated as receiving that percentage of the votes on such date which he received in the primary election conducted on such date in which he received the greatest percentage vote.

"(4) REESTABLISHMENT OF ELIGIBILITY.—

"(A) In any case in which an individual is ineligible to receive payments under section 9037 as a result of the operation of paragraph (1)(A), the Commission may subsequently determine that such individual is a candidate upon a finding that such individual is actively seeking election to the office of President of the United States in more than one State. The Commission shall make such determination without requiring such individual to reestablish his eligibility to receive payments under subsection (a).

"(B) Notwithstanding the provisions of paragraph (1)(B), a candidate whose payments have been terminated under paragraph (1)(B) may again receive payments (including amounts he would have received but for paragraph (1)(B)) if he receives 20 percent or more of the total number of votes cast for candidates of the same party in a primary election held after the date on which the election was held which was the basis for terminating payments to him.".

(c) The amendments made by this section shall take effect on the date of the enactment of this Act.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 307. (a) Section 9008(b)(5) of the Internal Revenue Code of 1954 (relating to adjustment of entitlements) is amended—

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

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

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

(c) Section 9035(a) of the Internal Revenue Code of 1954 (relating to expenditure limitations), as redesignated by section 305(a), is amended by striking out "section 608(c)(1)(A) of title 18, United States Code" and inserting in lieu thereof "section 320(b)(1)(A) of the Federal Election Campaign Act of 1971".

(d) Section 9004(a)(1) of the Internal Revenue Code of 1954 (relating to entitlements of eligible candidates to payments) is amended by striking out "608(c)(1)(B) of title 18, United States Code" and inserting in lieu thereof "320(b)(1)(B) of the Federal Election Campaign Act of 1971".

(e) Section 9007(b)(3) of the Internal Revenue Code of 1954 (relating to repayments) is amended by striking out "9006(d)" and inserting in lieu thereof "9006(c)".

(f) Section 9012(b)(1) of the Internal Revenue Code of 1954 (relating to contributions) is amended by striking out "9006(d)" and inserting in lieu thereof "9006(c)".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the Senate bill and agree to the same.

And the House agree to the same.

WAYNE L. HAYS,
JOHN H. DENT,
JOHN BRADEMAS,
DAWSON MATHIS,
MENDEL J. DAVIS,
CHARLES E. WIGGINS,
Managers on the Part of the House.

HOWARD W. CANNON,
CLAIBORNE PELL,
ROBERT C. BYRD,
HUGH SCOTT,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3065) to amend the Federal Election Campaign Act of 1971 to provide for its administration by a Federal Election Commission appointed in accordance with the requirements of the Constitution, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE

The Senate bill, the House amendment, and the conference substitute provide that this legislation may be cited as the "Federal Election Campaign Act Amendments of 1976".

AMENDMENTS TO FEDERAL ELECTION CAMPAIGN ACT OF 1971

FEDERAL ELECTION COMMISSION MEMBERSHIP

Senate bill

Section 101 of the Senate bill amended the Federal Election Campaign Act of 1971 (hereinafter in this statement referred to as the "Act") to provide that the Federal Election Commission (hereinafter in this statement referred to as the "Commission") is to consist of the Secretary of the Senate, the Clerk of the House, both ex officio and without the right to vote, and 8 members appointed by the President by and with the advice and consent of the Senate. No more than 3 members of the Commission at any time may be affiliated with the same political party, and at least 2 members shall not be affiliated with any party.

The bill provided for 8-year terms for members with the terms of 2 members, not affiliated with the same political party, expiring every 2 years, beginning in 1977, so that members are not reap-

pointed in an election year. Vacancies are filled only for the remainder of the term during which the vacancy occurred. Reappointment is to be made in the same manner as the appointment.

Section 101(c)(1) provided that the Commission has exclusive and primary jurisdiction with respect to the civil enforcement of the Federal Election Campaign Act and of the provisions of the Internal Revenue Code of 1954 relating to the public financing of presidential elections. This section also recited a reservation of congressional prerogatives reserved to the Congress under the Constitution.

Section 101(c)(2) provided that the Commission may not establish guidelines, initiate civil actions, render advisory opinions, make regulations, conduct investigations, or report apparent violations of law without an affirmative vote of 5 members of the Commission.

Section 101(d) of the Senate bill exempted Commission staff appointments from the provisions of title 5, United States Code, relating to the competitive service, classification, and General Schedule pay rates. This provision maintained the present exempt status of Commission appointments.

Section 101(e) related to the appointment of new members. It urged the expeditious appointment of new members, provided that the first appointments to the new Commission are not appointments to fill unexpired terms, provided that the terms of all the present members end when a majority of the new members are appointed and qualified, and gave statutory recognition to the limited power of the reconstituted Commission under the decision of the Supreme Court in *Buckley* v. *Valeo* (Nos. 75–436, 75–437, January 30, 1976).

Section 101(f) permitted the present members to be appointed to the new Commission by waiving the prohibition against the appointment of individuals to the Commission presently holding Federal office.

Section 101(g) of the Senate bill was designed to facilitate the transition between the Commission as presently constituted and the Commission as reconstituted by the Senate bill by providing for the transfer of personnel, liabilities, contracts, property, and records employed, held, or used primarily in connection with the functions of the Commission as presently constituted. It provided that the transfer of personnel from the old Commission to the new Commission would be without reduction in classification or compensation for one year after such transfer. Thus, no person's salary or position would be reduced solely because of the transfer. This provision does not bar a dismissal or reduction in salary by the Commission for reasons other than the transfer. This section also preserved all actions, suits, and other proceedings commenced by or against the Commission or any officer or employee thereof acting in his official capacity. It also preserved all orders, determinations, rules, advisory opinions, and opinions of counsel made, issued, or granted by the Commission before its reconstitution.

House amendment

Section 101(a)(1) amended section 309(a)(1) of the Act, as so redesignated by section 105 of the House amendment, to provide that the Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives ex officio and without the right to vote,

and 6 members appointed by the President of the United States, by and with the advice and consent of the Senate.

Section 101(a)(2) amended section 309(a)(1) of the Act, as so redesignated by section 105 of the House amendment, to provide that no more than 3 members of the Commission appointed by the President may be affiliated with the same political party.

Section 101(b) amended section 309(a) of the Act, as so redesignated by section 105, by rewriting paragraph (2). Section 309(a)(2)(A) provides that members of the Commission shall serve for terms of 6 years, except that members first appointed shall serve for staggered terms as designated by the President. In making such designations, the President may not appoint an individual affiliated with any political party for a term which expires 1 year after the term of another member affiliated with the same political party.

Section 309(a)(2)(B) provides that a member of the Commission may serve after the expiration of his term until his successor has taken office.

Section 309(a)(2)(C) provides that an individual appointed to fill a vacancy occurring other than by the expiration of a term of office may be appointed only for the unexpired term of the member he succeeds.

Section 309(a)(2)(D) provides that a vacancy in the Commission shall be filled in the same manner as the original appointment.

Section 101(c)(1) amended section 309(a)(3) of the Act, as so redesignated by section 105 of the House amendment, to provide that members of the Commission shall not engage in any other business, vocation, or employment. Members are given 1 year to terminate or liquidate any such activities.

Section 101(c)(2) amended section 309 of the Act, as so redesignated by section 105 of the House amendment, by rewriting subsection (b). Section 309(b)(1) requires the Commission to administer and formulate policy regarding the Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954. The Commission is given exclusive primary jurisdiction regarding the civil enforcement of such provisions.

Section 309(b)(2) provides that the provisions of the Act do not limit, restrict, or diminish any investigatory, informational, oversight, supervisory, or disciplinary authority or function of the Congress or any committee of the Congress regarding elections to Federal office.

Section 101(c)(3) of the House amendment amended section 309(c) of the Act, as so redesignated by section 105 of the House amendment, to require an affirmative vote of 4 members of the Commission in order for the Commission to establish guidelines for compliance with the Act or with chapter 95 or chapter 96 of the Internal Revenue Code of 1954, or for the Commission to take any action under (1) section 310(a)(6) of the Act, as so redesignated by section 105 of the House amendment, relating to the initiation of civil actions; (2) section 310(a)(7) of the Act, relating to the rendering of advisory opinions; (3) section 310(a)(8) of the Act, relating to prescribing forms and to rule-making authority; or (4) section 310(a)(10) of the Act, relating to investigations and hearings.

Section 101(d)(1) provided that the President shall appoint members of the Commission as soon as practicable after the date of the enactment of the House amendment. Subsection (d)(2) provided that the first appointments made by the President shall not be considered appointments to fill the unexpired terms of members serving on the Commission on the date of the enactment of the House amendment.

Subsection (d)(3) provided that members of the Commission serving on the date of the enactment of the House amendment may continue to serve as such members until members are appointed and qualified under section 309(a) of the Act, as amended by the House amendment, except that, beginning on March 1, 1976, they may exercise only such powers and functions as may be consistent with the determinations of the Supreme Court of the United States in *Buckley* v. *Valeo*.

Section 101(e) provided that members serving on the Commission on the date of the enactment of the House amendment shall not be subject to the provisions of section 309(a)(3) of the Act, as so redesignated by section 105 of the House amendment, which prohibit any member of the Commission from being an elected or appointed officer or employee of any branch of the Federal Government.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The provision relating to the staggered terms for members of the Commission first appointed is the same as the Senate bill, except that the provision relating to the expiration of terms on April 30, 1983, is omitted from the conference substitute.

2. With regard to the provision relating to members of the Commission engaging in any other business, vocation, or employment, the conferees agree that the requirement is intended to apply to members who devote a substantial portion of their time to such business, vocation, or employment activities. The conferees, however, do not intend the requirement to apply to the operation of a farm, for example, if a substantial portion of time is not devoted to such operation. The conferees further agree that the members of the Commission are expected to engage in their service on the Commission on a full-time basis, in order to prevent any conflicts of interest on the part of such members. It is the expectation of the conferees, for example, that members of the Commission would not participate in full-time law practices while serving on the Commission. The purpose of the 1-year period included in the conference substitute is to give members an opportunity to liquidate participation in such business, vocation, or employment activities.

3. The conference substitute provides that personnel of the Commission may be appointed without regard to the provisions of title 5, United States Code, relating to the competitive service. Such personnel, however, are made subject to the classification and pay provisions of title 5, United States Code. The conferees agree that the Commission, in transmitting its budget requests to the Congress, would be required to include information relating to the number of persons employed by the Commission, the job descriptions of such persons, and grade classifications assigned to such persons for congressional review.

4. The conference substitute changes the provision of the House amendment relating to the authority of current members of the Commission to continue to serve on the Commission. The conference substitute clarifies that this provision will continue the authority of such current members until new members of the Commission are appointed and qualified. The conference substitute also provides that such current members may exercise only such powers and functions as may be consistent with *Buckley* v. *Valeo* beginning on March 23, 1976, rather than on March 1, 1976, as provided by the House amendment. The conference substitute makes such change in the date in order to conform to the extension granted by the Supreme Court regarding the expiration of the authority of the Commission to perform executive functions.

5. The conference substitute adopts the transfer provisions of the Senate bill except that the orders, determinations, rules, and opinions of the Commission made before its reconstitution under the amendments made by the conference substitute remain in effect if they are consistent with such amendments. The conferees agree that if any portion of an order, determination, rule, or opinion of the Commission is invalid under such amendments, the Commission must conform such portion to such amendments as required under section 108(b) of the conference substitute. The conference substitute also provides that any rule or regulation proposed by the Commission before the amendments made by the conference substitute take effect must be submitted to the Congress under the procedures described in section 315 of the Act, as added by the conference substitute.

6. Regarding the provision of the conference substitute which gives the Commission exclusive primary jurisdiction with respect to the civil enforcement of Federal election laws, the conferees agree with the discussion of the term "exclusive primary jurisdiction" included in the report of the Committee on House Administration (see page 4 of House Report No. 94–917).

Changes in Definitions in Federal Election Campaign Act of 1971

A. ELECTION

Senate bill

Section 102(a) of the bill amended the definition of "election" in section 301(a)(2) of the Act (2 U.S.C. 431(a)(2)), relating to nominating conventions and caucuses, by changing "held to nominate a candidate" in present law to "which has authority to nominate a candidate.".

House amendment

Section 102(a) of the House amendment amended section 301(a)(2) of the Act to provide that the term "election" includes any caucus or convention of a political party which has authority to nominate a candidate.

Conference substitute

The conference substitute is the same as the House amendment and the Senate bill.

B. CONTRIBUTION

Senate bill

Section 102(b) of the Senate bill amended the definition of "contribution" in section 301(e)(2) of the Act (2 U.S.C. 431(e)(2)) where it

says "contribution means a contract, promise, or agreement, expressed or implied, whether or not legally enforceable, to make a contribution" by inserting the word "written" before the word "contract".

Section 102(c) amended the definition of "contribution" to exclude legal and accounting services rendered to or on behalf of the national committee of a political party (unless the person paying for such services is a person other than the employer of the individual rendering such services) which do not directly further the candidacy of a particular candidate. Also excluded are such services rendered to or on behalf of any candidate or political committee for the purpose of complying with the requirements of the Act and chapters 95 and 96 of the Internal Revenue Code of 1954 (unless the person paying for such services is a person other than the employer of the individual rendering such services). The section requires the latter amounts paid or incurred to be reported and disclosed but permits them to be ignored in determining contribution and expenditure limitations.

Section 102(d) transferred from section 591(e)(1) of title 18, United States Code, the exception from the definition of contribution, for limitation purposes, a loan of money by a bank in the ordinary course of business. Such a loan would be required to be reported, however, as in existing law. Section 102(f)(3) did the same with respect to the definition of expenditure.

The Senate bill also provided that the $500 ceiling on activities under section 301(e)(5) of the Act would apply to activities by any person, rather than by any individual. The effect of this amendment would be to include partnerships, committees, associations, corporations, labor organizations, and other organizations or groups, as well as individuals, under the terms of the provision.

House amendment

Section 102(b) amended section 301(e)(2) of the Act to provide that a contract, promise, or agreement to make a contribution must be in writing in order to be considered a contribution. The House amendment also struck the phrase "expressed or implied" from section 301(e)(2), in order to conform to the requirement that the agreement be in writing.

Section 102(c)(1) amended section 301(e)(4) of the Act to provide that the definition of contribution shall not apply to (1) legal or accounting services rendered to or on behalf of the national committee of a political party, other than legal or accounting services attributable to any activity which directly furthers the election of a designated candidate for Federal office; or (2) legal or accounting services rendered to or on behalf of a candidate or political committee for the sole purpose of ensuring compliance with the Act, chapter 29 of title 18, United States Code, or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Subsection (c)(2) added a new clause (G) to section 301(e)(5) of the Act. Clause (G) provides that the term contribution shall not include a gift, subscription, loan, advance, or deposit of money or anything of value to a national committee or a State committee of a political party which is for the sole purpose of defraying any cost incurred for the construction or purchase of any office facility which is not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office. Clause (G) requires that any such gift, subscription, loan, advance, or deposit of money or anything of value, and any such cost, must be reported in accordance with section 304(b) of the Act.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The conference substitute includes a modified version of the provision of the Senate bill which provides that legal or accounting services are considered contributions if the person paying for the services is a person other than the "regular" employer of the individual rendering the services.
2. The conference substitute follows the Senate bill in requiring the reporting of such services when they are rendered to a candidate.
3. The conference substitute includes the amendment made by the Senate bill exempting bank loans made in the regular course of business from the definition of contributions except for reporting purposes.
4. The conference substitute includes the amendment made by the Senate bill to the limitation on certain exempt activities by individuals so that limit would apply to all persons rather than just to individuals.
5. The conference substitute provides that the term "contribution" does not include any honorarium within the meaning of section 328 of the Act, as amended by the conference substitute.

C. EXPENDITURE

Senate bill

Section 102(f) amended the definition of "expenditure" to exclude certain fund-raising costs and payments for legal and accounting services (under the circumstances discussed above). The exclusion of some fund-raising costs for purposes of the limits on expenditures by publicly financed presidential candidates conforms to present law and was made necessary by the transfer of the provisions setting forth those limits to the Act. Section 102(f) also excluded from the definition of "expenditure" for limitation purposes partisan activity designed to encourage individuals to register to vote, or to vote, conducted by the national committee of a political party, or a subordinate committee thereof, or the State committee of a national party. Such activity would, however, be required to be reported.

House amendment

Section 102(d)(1) amended section 301(f)(4) of the Act by adding a new clause (I). Clause (I) provides that the term "expenditure" does not include any costs incurred by a candidate in connection with any solicitation of contributions by the candidate. Clause (I) does not apply, however, to costs incurred by a candidate in excess of an amount equal to 20 percent of the applicable expenditure limitation under section 320(b) of the Act. All costs incurred by a candidate in connection with the solicitation of contributions shall be reported in accordance with section 304(b).

Subsection (d)(2) amended section 301(f)(4) of the Act by adding a new clause (F). Clause (F) provides that the term "expenditure" does not include the payment, by any person other than a candidate or

a political committee, of compensation for (1) legal or accounting services rendered to or on behalf of the national committee of a political party, other than legal or accounting services attributable to any activity which directly furthers the election of a designated candidate for Federal office; or (2) legal or accounting services rendered to or on behalf of a candidate or political committee for the sole purpose of ensuring compliance with the Act, chapter 29 of title 18, United States Code, or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Conference substitute

The conference substitute is the same as the Senate bill, except that (1) the provision of the Senate bill relating to legal or accounting services is modified by the conference substitute to provide that legal or accounting services are considered expenditures if the person paying for the services is a person other than the "regular" employer of the individual rendering the services; and (2) the exclusion for partisan registration and get-out-the-vote activity is not retained in the conference substitute, resulting in no change in existing law.

D. OTHER DEFINITIONS

Senate bill

Section 102(g) of the Senate bill amended section 301 of the Act to define the term "Act" to mean the Federal Election Campaign Act of 1971, as amended by the Federal Election Campaign Act Amendments of 1974 and the Federal Election Campaign Act Amendments of 1976.

House amendment

Section 102(e) amended section 301 of the Act by adding the following new definitions:

1. The term "Act" was defined to mean the Federal Election Campaign Act of 1971, as amended by the Federal Election Campaign Act Amendments of 1974 and the Federal Election Campaign Act Amendments of 1976.

2. The term "independent expenditure" was defined to mean any expenditure by a person which expressly advocates the election or defeat of a clearly identified candidate, which is made without cooperation or consultation with any candidate, or any authorized committee or agent of the candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of the candidate.

3. The term "clearly identified" was defined to mean (a) the name of the candidate involved appears; (b) a photograph or drawing of the candidate appears; or (c) the identity of the candidate is apparent by unambiguous reference.

Conference substitute

The conference substitute is the same as the House amendment. The conferees agree, with respect to the definition of the term "independent expenditure", that advocacy of the election or defeat of a candidate or a general request for assistance in a speech to a group of persons by itself should not be considered to be a "suggestion" that such persons make an expenditure to further such election or defeat. The definition of the term "independent expenditure" in the conference substitute is intended to be consistent with the discussion of independent political expenditures which was included in *Buckley* v. *Valeo.*

ORGANIZATION OF POLITICAL COMMITTEES

Senate bill

Subsections (a) and (b) of section 103 of the Senate bill amended section 302 of the Act (2 U.S.C. 432(b)) to reduce the accounting and recordkeeping requirements applicable to political committees by requiring that records be kept only on contributions in excess of $100, instead of in excess of $10.

Section 103(c) struck out section 302(e) of the Act (2 U.S.C. 432(e)) which requires that notice of unauthorized activities by political committees be disclosed on the literature and advertisements circulated by those committees. The subject is covered by a new section 323 of the Act added by section 110 of the Senate bill.

House amendment

Section 103 of the House amendment amended section 302 of the Act by striking out subsection (e), relating to a requirement that political committees raising contributions or making expenditures on behalf of a candidate without being authorized to do so by the candidate must indicate this lack of authority on any campaign literature and campaign advertisements. Section 323 of the Act, as added by the House amendment, contains a similar provision.

Conference substitute

The conference substitute is the same as the Senate bill except that the conference substitute changes the recordkeeping requirements so that political committees must keep records only for contributions of $50 or more.

The conferees agree that where a political committee is not required to record the identity of the contributor of a particular contribution, and it does not do so, and if, as a result, such committee has no knowledge that this particular contribution, when aggregated with other contributions from the same contributor, amounts to over $100, the committee is not required to report the identity of such contributor under section 304 of the Act. If, however, a committee has knowledge of a contribution, the full reporting requirements of section 304 of the Act must be complied with.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

Senate bill

Section 104(a) of the Senate bill amended the reporting and disclosure provisions of section 304(a)(1) of the Act (2 U.S.C. 434(a)(1)) to provide that, in nonelection years, a candidate and his authorized committees must file quarterly reports only for quarters in which an aggregate of more than $5,000 in contributions, expenditures, or a combination thereof is received or spent. This provision does not affect the obligation to file year-end reports in nonelection years.

Section 104(b) amended section 304(a)(2) of the Act (2 U.S.C. 434(a)(2)) to require that only political committees authorized by a candidate must file their reports with the candidate's principal campaign committee.

Section 104 (c) amended section 304(b) of the Act—

(1) to add a new requirement that political committees which are not authorized candidates' committees which make expendi-

tures in excess of $100 to advocate expressly the election or defeat of a clearly identified candidate report to the Commission whether the expenditure was intended to advocate the election or the defeat of a candidate and to certify to the Commission, under penalty of perjury, that the expenditure was not made in cooperation, consultation, or concert with a candidate's campaign nor was it made in response to a request or suggestion by the candidate or his agent; and

(2) to provide that when committee treasurers and candidates show that best efforts have been used to comply with the reporting requirements the treasurers and candidates are considered to have complied with the requirements of the Act.

Section 104(d) amended section 304(e) of the Act—

(1) to conform the independent expenditure reporting requirement contained in that subsection to the requirements of the Constitution set forth in *Buckley* v. *Valeo* with respect to the express advocacy of election or defeat of clearly identified candidates;

(2) to require corporations, labor organizations, and membership organizations which spend more than $1,000 per candidate per election to advocate the election or defeat of a clearly identified candidate in communications with their stockholders or members or their families to report the expenditures to the Commission;

(3) to require a person whose contributions exceed a total of $100 during the calendar year to a separate segregated fund as a result of the special twice yearly solicitation by mail permitted under section 321 of the Act (as amended by the Senate bill) to notify the recipient when the total amount of his contributions exceeds $100; and

(4) to require the Commission to prepare and periodically issue indices of expenditures reported under section 304(e) on a candidate-by-candidate basis.

House amendment

Section 104(a) amended section 304(a)(1)(C) of the Act to provide that in any year in which a candidate is not on the ballot for election to Federal office, the candidate and his authorized committees must file a report not later than the tenth day after the close of any calendar quarter in which the candidate and his authorized committees received contributions or made expenditures which aggregate a total of more than $10,000. Each report must be complete as of the close of the calendar quarter, except that any report which must be filed after December 31 of any calendar year in which a report must be filed under section 304(a)(1)(B) shall be filed as provided in section 304(a)(1)(B).

Section 104(b) amended section 304(a) of the Act by rewriting paragraph (2). Paragraph (2) provides that each treasurer of a political committee authorized by a candidate to raise contributions or make expenditures on behalf of the candidate, other than the principal campaign committee of the candidate, must file reports with the principal campaign committee of the candidate (rather than with the Commission).

Section 104(c) amended section 304(b) of the Act by adding a new paragraph (13). Paragraph (13) requires each report to include, in the case of an independent expenditure in excess of $100 by a political committee, other than an authorized committee of a candidate, expressly advocating the election or defeat of a clearly identified candidate, through a separate schedule (1) any information required by section 304(b)(9), stated in a manner which indicates whether the independent expenditure is in support of, or in opposition to, a candidate; and (2) under penalty of perjury, certification whether the independent expenditure is made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of the candidate. If such expenditure is made with such cooperation, consultation, or concert, or as a result of such request or suggestion, it no longer would qualify as an independent expenditure.

Section 104(d) amended section 304 of the Act by rewriting subsection (e). Subsection (e)(1) requires every person (other than a political committee or a candidate) who makes independent expenditures of more than $100 in a calendar year to file a statement with the Commission containing the information required of a person who makes contributions of more than $100 to a candidate or political committee and the information required of a candidate or political committee receiving such a contribution.

Subsection (e)(2) provides that statements required by subsection (e) must be filed on dates for the filing of reports by political committees. The statements must include (1) the information required by section 304(b)(9), stated in a manner which indicates whether the contribution or independent expenditure is in support of, or in opposition to, a candidate; and (2) under penalty of perjury, certification whether the independent expenditure is made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or any authorized committee or agent of the candidate.

Any independent expenditure, including independent expenditures described in section 304(b)(13), of $1,000 or more which is made after the fifteenth day, but more than 24 hours, before any election must be reported within 24 hours of the independent expenditure.

Subsection (e)(3) requires the Commission to prepare indices regarding expenditures made with respect to each candidate. The indices must be issued on a timely preelection basis.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. With respect to quarterly reports in nonelection years, the conference substitute is the same as the Senate bill.

2. The conference substitute replaces the provision of the Senate bill relating to corporations, labor organizations, and other membership organizations issuing communications to their stockholders and members with an amendment to section 301(f)(4)(C) of the Act which—

(a) requires reporting of such communications devoted to express advocacy of the election or defeat of a clearly identified candidate;

(b) provides that the cost of a communication will not be reportable if the communication is primarily devoted to subjects other than the advocacy of the election or defeat of a candidate; and

(c) applies only to costs which exceed $2,000 per election.

With respect to determining whether a communication is covered by this provision, the conferees intend that communications dealing primarily with subjects other than the express advocacy of the election or defeat of a candidate would not be covered. An editorial advocating the election or defeat of a candidate which appears in a regularly published newsletter which deals primarily with other subjects would not be a covered communication. This exclusion is designed to eliminate the difficult allocation problems that would otherwise have been presented. For the same reason, the conference substitute requires the reporting only of costs directly attributable to the express advocacy of the election or defeat of a candidate. The paper, stamps, etc. for a mimeographed covered communication would be reportable but not a share of the membership organization's building, mimeograph machine, etc., expenses.

The distribution of a reprint of the type of editorial described above would be a covered communication. Further, a special edition of a newsletter which primarily advocates the election or defeat of candidates would not be exempt from reporting.

The conferees also intend that the $2,000 limit on excluded communications would apply without regard to the number of candidates mentioned in the communication. If, for example, a communication refers to 3 candidates and the cost of the communication is $3,000, the person making the communication would not be permitted to allocate the cost on the basis of the number of candidates mentioned in the communication. Since the communication cost more than $2,000 it would be reported regardless of the number of candidates mentioned in the communication.

3. The conference substitute includes the provision of the Senate bill which stated that political committee treasurers and candidates would be considered to be in compliance with reporting requirements if they demonstrate that their best efforts have been used to obtain required information.

Reports by Certain Persons

Senate bill

Section 105 of the Senate bill amended ttitle III of the Act by striking out section 308, relating to reports by certain persons.

House amendment

Section 105 of the House amendment amended title III of the Act by striking out section 308, relating to reports by certain persons.

Conference substitute

The conference substitute is the same as the House amendment and the Senate bill.

Campaign Depositories

Senate bill

No provision.

House amendment

Section 106 amended section 308(a)(1) of the Act, as so redesignated by section 105 of the House amendment, to provide that it is within the discretion of political committees to maintain one or more checking accounts at banks which they designate as campaign depositories.

Conference substitute

The conference substitute is the same as the House amendment, except that it provides that political committees may maintain a single checking account and such other accounts as they may desire at banks which they designate as campaign depositories. It is the intent of the conferees that the term "such other accounts", as it appears in the conference substitute, includes checking accounts, savings accounts, certificates of deposit, and other accounts.

Powers of Commission

Senate bill

Section 106 of the Senate bill amended section 310 of the Act (2 U.S.C. 437d) and added to the Commission's powers of authority to formulate general policy, prescribe forms and regulations, the power to bring civil actions to enforce the provisions of the Internal Revenue Code of 1954 relating to public financing of presidential elections. This section also provides that, with the exception of actions brought by an individual aggrieved by an action by the Commission, the power of the Commission to initiate civil actions is the exclusive civil remedy for the enforcement of the provisions of the Act.

House amendment

Section 107(a) amended section 310(a) of the Act, as so redesignated by section 105 of the House amendment, by combining paragraph (10) with paragraph (8). Paragraph (10) relates to the authority of the Commission to develop forms for the filing of reports.

Section 107(b)(1) amended section 310(a) of the Act, as so redesignated by section 105 of the House amendment, by rewriting paragraph (6). Paragraph (6) gives the Commission authority to initiate, defend, and appeal civil actions.

Subsection (b)(2) amended section 310 of the Act, as so redesignated by section 105 of the House amendment, by adding a new subsection (e) which provides that the civil action authority of the Commission is the exclusive civil remedy for enforcing the Act, except for actions which may be brought under section 313(a)(9) of the Act, as added by the House amendment.

Conference substitute

The conference substitute is the same as the House amendment and the Senate bill.

Advisory Opinions

Senate bill

No provision.

House amendment

Section 108(a) amended section 312 of the Act, as so redesignated by section 105 of the House amendment, by rewriting subsection (a).

Subsection (a) provides that the Commission shall render a written advisory opinion upon the written request of any individual holding a Federal office, any candidate for Federal office, any political committee, or any national committee of a political party. Any such advisory opinion must be rendered within a reasonable time after the request is made and shall indicate whether a specific transaction or activity would constitute a violation of the Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954. Subsection (a) prohibits the Commission or any of its employees from issuing any advisory opinion except in accordance with the provisions of section 312.

Section 108(b) amended section 312 of the Act, as so redesignated by section 105, by rewriting subsection (b). Subsection (b)(1) provides that any person who relies on an advisory opinion and who acts in good faith in accordance with the advisory opinion may not be penalized under the Act or under chapter 95 or chapter 96 of the Internal Revenue Code of 1954 as the result of any such action.

Subsection (b)(2) provides that an advisory opinion may be relied upon by (1) any person involved in the transaction or activity with respect to which the advisory opinion is rendered; and (2) any person involved in any similar transaction or activity.

The Commission is required to transmit to the Congress proposed rules and regulations based on an advisory opinion of general applicability if the transaction or activity involved is not already covered by any rule or regulation of the Commission. Any rule or regulation which the Commission proposes under subsection (b) is subject to the congressional review procedures of section 315(c) of the Act.

Section 108(c) made a conforming amendment to section 315(c)(1) of the Act.

Section 108(d) provided that the amendments made by section 108 apply to any advisory opinion rendered by the Commission after October 15, 1974.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The conference substitute provides that an advisory opinion shall relate to the application of a general rule of law which is stated in the Act or chapter 95 or 96 of the Internal Revenue Code of 1954, or which already has been prescribed as a rule or regulation, to a specific fact situation.

2. The conference substitute provides that general rules of law may be initially proposed by the Commission only as rules and regulations subject to congressional review and disapproval and not through the advisory opinion procedure.

3. Thus, under the conference substitute, if the request for an advisory opinion does not state a specific fact situation and if such request would necessarily require the Commission to state a general rule of law which is not set forth in a prescribed rule or regulation, the Commission could not issue the opinion requested.

4. While the rules just stated govern all opinions of an advisory nature, these provisions do not preclude the distribution by the Commission of other information consistent with the Act.

5. The conference substitute provides that a person involved in a transaction or activity other than a transaction or activity with respect to which an advisory opinion has been rendered may rely upon such advisory opinion only if the transaction or activity in which such person is involved is indistinguishable in all its material aspects from the transaction or activity with respect to which the advisory opinion was rendered.

6. The provision of the House amendment which required the Commission to submit advisory opinions of general applicability to the Congress as proposed rules and regulations is not included in the conference substitute.

7. The provision of the House amendment which made the amendments applicable to any advisory opinion rendered after October 15, 1974, is not included in the conference substitute. Section 101(g)(3) of the conference substitute requires that advisory opinions in effect on the date of the enactment of the conference substitute must be conformed to amendments made by the conference substitute. (See the discussion of section 101(g)(3) of the conference substitute in this statement.)

8. The conference substitute provides that the Commission shall, no later than 90 days after the date of the enactment of the conference substitute, conform advisory opinions in effect before such effective date to the requirements established by the amendments made by the conference substitute. The provisions of section 312(b) of the Act, as added by the conference substitute, relating to good faith reliance upon advisory opinions, will apply to advisory opinions in effect before the date of the enactment of the conference substitute after such advisory opinions have been conformed in accordance with the requirements of the conference substitute.

Enforcement

Senate bill

Section 107 of the Senate bill amended the enforcement provisions of section 313 of the Act (2 U.S.C. 437g). Under the amendments made by section 107 of the Senate bill the Commission can investigate a complaint only if the complaint is signed and sworn to by the person filing the complaint and the complaint is notarized. The Commission may not conduct any investigation solely on the basis of an anonymous complaint. The Commission must conduct all investigations expeditiously and afford the person who receives notice of the investigation a reasonable opportunity to show that no action should be taken against such person by the Commission.

If, after investigation, the Commission determines that there is reason to believe a violation of the Act or of the public financing provisions of the Internal Revenue Code of 1954 has been committed, or is about to be committed, it is required to make every endeavor to correct or prevent the violation by informal methods prior to instituting any civil action.

If the Commission enters into a conciliation agreement with a person, it is prohibited from bringing a civil action or recommending prosecution to the Justice Department with respect to that violation as long as the conciliation agreement is not violated. If the Commission is unable to correct the violation informally, it is authorized to bring a civil action. The Commission may refer a violation directly to the

Attorney General without going through the voluntary compliance procedure if it determines there is probable cause to believe that a knowing and willful violation involving the making, receiving, or reporting of any contribution or expenditure having a value in the aggregate of $1,000 or more in any calendar year has occurred or that a knowing and willful violation of the public financing provisions of the Internal Revenue Code has occurred.

The Commission is authorized, as part of a conciliation agreement, to require that a person pay a civil penalty of $10,000 or 3 times the amount involved, whichever is greater, when it believes there is clear and convincing proof that a knowing and willful violation has occurred. The Commission is further authorized to require the payment of a civil penalty which does not exceed the greater of $5,000 or an amount equal to the amount of the contribution or expenditure involved if it believes a violation has been committed.

The Commission is required to make public the results of any conciliation attempt as well as the provisions of any conciliation agreement.

In any civil action brought by the Commission where the Commission establishes through clear and convincing proof that the person involved in the action committed a knowing and willful violation of law, the court is authorized to impose a civil penalty of $10,000 or 3 times the amount of the contribution or expenditure involved, whichever is greater. The court is also authorized to impose a civil penalty which does not exceed the greater of $5,000 or an amount equal to the amount of any contribution or expenditure involved where the violation is not a knowing and willful violation. The Commission may institute a civil action if it believes there has been a violation of any provision of a conciliation agreement.

A person aggrieved by the Commission's dismissal of his complaint, or by the Commission's failure to act on the complaint within 90 days after it was filed, may petition the United States District Court for the District of Columbia for relief. The petition must be filed with the court within 60 days after the dismissal of the complaint or within 60 days after the end of the 90-day period during which no action was taken. The court may direct the Commission to proceed on the complaint within 30 days after the court's decision. If the Commission fails to take action within that period, the complainant may bring an action to remedy the violation complained of.

House amendment

Section 109 of the House amendment amended title III of the Act by rewriting section 313, as so redesignated by section 105 of the House amendment.

Section 313(a)(1) permits any person who believes that the Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has been violated to file a written complaint with the Commission. The complaint must be notarized and signed and sworn to by the person filing the complaint. The person shall be subject to the provisions of section 1001 of title 18, United States Code (relating to false or fraudulent statements).

The Commission is prohibited from conducting any investigation, or taking any other action, solely on the basis of an anonymous complaint.

Subsection (a)(2) provides that, if the Commission has reasonable cause to believe that a person has violated the Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission is required to notify the person and to conduct an investigation of the violation.

Subsection (a)(3) requires the Commission to conduct any investigation expeditiously and to include in the investigation an additional investigation of any reports and statements filed with the Commission by the complainant involved, if the complainant is a candidate for Federal office. Subsection (a)(3) prohibits the Commission and any person from making public any investigation or any notification made under subsection (a)(2) without the written consent of the person receiving the notification or the person under investigation.

Subsection (a)(4) requires the Commission, upon request, to permit any person who receives notification under subsection (a)(2) to demonstrate that the Commission should not take any action against such person under the Act.

Subsection (a)(5) requires the Commission to seek to correct or prevent any violation of the Act by informal methods of conference, conciliation, and persuasion during the 30-day period after the Commission determines there is reasonable cause to believe that a violation has occurred or is about to occur. The Commission also is required to seek to enter into a conciliation agreement with the person involved in such violation. If, however, the Commission has reasonable cause to believe that—

(1) a person has failed to file a report required under section 304(a)(1)(C) of the Act for the calendar quarter ending immediately before the date of a general election;

(2) a person has failed to file a report required to be filed no later than 10 days before an election; or

(3) on the basis of a complaint filed less than 45 days but more than 10 days before an election, a person has committed a knowing and willful violation of the Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954;

the Commission shall seek to informally correct the violation and to enter into a conciliation agreement with the person involved for a period of not less than one-half the number of days between the date upon which the Commission determines that there is reasonable cause to believe a violation has occurred and the date of the election involved.

Any conciliation agreement entered into by the Commission and a person involved in a violation shall constitute a complete bar to any further action by the Commission, unless the person involved violates the conciliation agreement.

Subsection (a)(5) also provides that the Commission may institute a civil action for relief if the Commission is unable to correct or prevent a violation by informal methods and if the Commission determines there is probable cause to believe that the violation has occurred or is about to occur. The relief sought in any civil action may include a permanent or temporary injunction, restraining order, or any other appropriate order, including a civil penalty which does not exceed the greater of $5,000 or an amount equal to the amount of any contribution or expenditure involved in the violation. The civil action may be

brought in the district court of the United States for the district in which the person against whom the action is brought is found, resides, or transacts business.

The court involved shall grant the relief sought by the Commission in a civil action brought by the Commission upon a proper showing that the person involved has engaged or is about to engage in a violation of the Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Subsection (a)(5) also permits the Commission to refer an apparent violation to the Attorney General of the United States if the Commission determines that there is probable cause to believe that a knowing and willful violation subject to and as defined in section 328 of the Act has occurred or is about to occur. In order for such a referral to be made, the violation or violations must involve the making, receiving, or reporting of any contribution or expenditure having a value, in the aggregate, of $1,000 or more during a calendar year. The Commission is not required to engage in any informal conciliation efforts before making any such referral.

Subsection (a)(6) permits the Commission to include a civil penalty in a conciliation agreement if the Commission believes that there is clear and convincing proof that a knowing and willful violation of the Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has occurred. The civil penalty may not exceed the greater of (1) $10,000; or (2) an amount equal to 200 percent of the amount of any contribution or expenditure involved in the violation. If the Commission believes that a violation has occurred which is not a knowing and willful violation, the conciliation agreement may require the person involved to pay a civil penalty which does not exceed the greater of (1) $5,000; or (2) an amount equal to the amount of the contribution or expenditure involved in the violation.

Subsection (a)(6) also requires the Commission to make available to the public (1) the results of any conciliation efforts made by the Commission, including any conciliation agreement entered into by the Commission; and (2) any determination by the Commission that a person has not committed a violation of the Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Subsection (a)(7) permits a court to impose a civil penalty greater than that permitted by subsection (a)(5) in any civil action for relief brought by the Commission if the court determines that there is clear and convincing proof that a person has committed a knowing and willful violation of the Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954. The civil penalty may not exceed the greater of (1) $10,000; or (2) an amount equal to 200 percent of the contribution or expenditure involved in the violation.

In any case in which a person against whom the court imposes a civil penalty has entered into a conciliation agreement with the Commission, the Commission may bring a civil action if it believes that the person has violated the conciliation agreement. The Commission may obtain relief if it establishes that the person has violated, in whole or in part, any requirement of the conciliation agreement.

Subsection (a)(8) provides that subpenas for witnesses in civil actions in any United States district court may run into any other district.

Subsection (a)(9) permits any party to file a petition with the United States District Court for the District of Columbia if the party is aggrieved by an order of the Commission dismissing a complaint filed by the party or by a failure on the part of the Commission to act on the complaint within 90 days after the complaint is filed. The petition must be filed (1) in the case of a dismissal by the Commission, no later than 60 days after the dismissal; or (2) in the case of a failure on the part of the Commission to act on the complaint, no later than 60 days after the initial 90-day period.

The court may declare that the dismissal or failure to act is contrary to law and may direct the Commission to take any action consistent with the declaration no later than 30 days after the court makes the declaration. If the Commission fails to act during the 30-day period, the party who filed the original complaint may bring in his own name a civil action to remedy the violation involved.

Subsection (a)(10) provides that any judgment of a district court may be appealed to the court of appeals. Any judgment of a court of appeals which affirms or sets aside, in whole or in part, any order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

Subsection (a)(11) provides that any action brought under subsection (a) shall be advanced on the docket of the court involved and put ahead of all other actions, other than actions brought under subsection (a) or under section 314.

Subsection (a)(12) permits the Commission to petition a court for an order to adjudicate a person in civil contempt if the Commission determines after an investigation that the person has violated an order of the court entered in a proceeding brought under subsection (a)(5). If the Commission believes that the violation is a knowing and willful violation, the Commission may petition the court for an order to adjudicate the person in criminal contempt.

Section 313(b) requires the Attorney General to report to the Commission regarding apparent violations referred to the Attorney General by the Commission. The reports must be transmitted to the Commission no later than 60 days after the date of the referral, and at the close of every 30-day period thereafter until there is final disposition. The Commission may from time to time prepare and publish reports relating to the status of such referrals.

Section 313(c) imposes a penalty against any member of the Commission, any employee of the Commission, or any other person who reveals the identity of any person under investigation in violation of section 313(a)(3)(B). Any such member, employee, or other person is subject to a fine of not more than $2,000 for any such violation. If the violation is knowing and willful the maximum fine is $5,000.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The conference substitute provides that the Commission may investigate a violation only if it receives a properly verified complaint and it has reason to believe a violation has occurred, or if the Commission, based on information obtained in the normal course of carry-

ing out its duties under the Act, has reason to believe a violation has occurred. The conferees agree that any person, including a member or employee of the Commission, may file a verified complaint, and agree also that the Commission may not react solely to an anonymous source for the purpose of instituting an investigation of an alleged violation of the Act or of chapter 95 or 96 of the Internal Revenue Code of 1954.

2. The conference substitute follows the Senate bill with respect to affording a person against whom a complaint has been made an opportunity to show that no action should be taken.

3. The conferees agree that if the Commission reaches an agreement with any person regarding an alleged violation, such agreement should be made available to the public immediately so that the 30-day conciliation period, otherwise required by the Act, is immediately terminated.

4. The conference substitute makes the referral procedures for knowing and willful violations applicable to violations of chapters 95 and 96 of the Internal Revenue Code of 1954.

5. The conferees agree that a conciliation agreement shall be a complete bar to any further action by the Commission only with respect to any violation which is a subject of the conciliation agreement.

6. The conferees' intent is that a violation within the meaning of section 313(c) occurs when publicity is given to a pending investigation, but does not occur when actions taken in carrying out an investigation lead to public awareness of the investigation.

Conversion of Contributions to Personal Use

Senate bill

Section 107A of the Senate bill amended section 317 of the Act to provide that excess contributions received by a candidate, and amounts contributed to an individual to support his activities as a Federal office holder, which, under existing law, may be used for certain purposes, may not be converted to any personal use.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the House amendment, resulting in no change in existing law.

Duties of Commission

Senate bill

Section 108(a) of the Senate bill amended section 315(a)(6) of the Act to require the Commission to maintain a separate cumulative index of multicandidate political committee reports and statements to enable the public to determine which political committees are qualified to make $5,000 contributions to candidates or their authorized committees.

Section 108(b) amended present law to provide for a 15-legislative-day or 30-calendar-day period, whichever is later, during which a proposed rule or regulation must be disapproved, as set forth in 2 U.S.C. 438(c)(2).

House amendment

Section 110(a)(1) amended section 315(a)(6) of the Act, as so redesignated by section 105 of the House amendment, to require the Commission to compile and maintain a separate cumulative index of reports and statements filed by the political committees supporting more than one candidate. The index must include a listing of the date of registration of such political committees and the date upon which such political committees qualify to make expenditures under section 320(a)(2) of the Act. The Commission was required to revise the index on the same basis and at the same time as other cumulative indices required under section 315(a)(6).

Section 110(a)(2) amended section 315(a)(8) of the Act to require the Commission to give priority to auditing and conducting field investigations requiring the verification for, and the receipt and use of, any payments received by a candidate under chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Section 110(b) amended section 315(c)(2) of the Act to provide that the Congress may disapprove proposed rules and regulations of the Commission in whole or in part. The amendment also provided that, whenever a committee of the House of Representatives reports any resolution relating to a proposed rule or regulation of the Commission, it is in order at any time (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. Although the motion to proceed to the consideration of the resolution is not debatable, debate may be conducted with respect to the contents of the resolution.

Section 110(c) amended section 315 of the Act by adding a new subsection (e). Subsection (e) provides that, in any civil or criminal proceeding to enforce the Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954, no rule, regulation, guideline, advisory opinion, opinion of counsel, or any other pronouncement by the Commission or by any member, officer, or employee of the Commission may be used against the person against whom the proceeding is brought. No such rule, regulation, guideline, advisory opinion, opinion of counsel, or other pronouncement (1) shall have the force of law; (2) may be used to create any presumption of violation or of criminal intent; (3) shall be admissible in evidence against the person involved; or (4) may be used in any other manner. The provisions of subsection (e) do not apply to any rule or regulation of the Commission which takes effect under section 315(c).

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The conference substitute provides that, for purposes of reviewing regulations proposed by the Commission, the Congress may disapprove any provision or series of interrelated provisions which states a single separable rule of law.

The conferees agree that this provision does not give the Congress the power to revise proposed regulations by disapproving a particular

word, phrase, or sentence, but only gives each House of the Congress the power to determine which proposed regulations of the Commission constitute distinct regulations which can only be disapproved in whole. This provision is intended to permit disapproval of discrete self-contained sections or subdivisions of proposed regulations and is not intended to permit the rewriting of regulations by piecemeal changes.

2. The conference substitute does not include the provision in the House amendment which makes rules, regulations, guidelines, advisory opinions, opinions of counsel, and other Commission pronouncements inapplicable in any civil or criminal proceeding, thereby resulting in no change in existing law.

Additional Enforcement Authority

Senate bill

Section 109 of the Senate bill repealed section 407 of the Act, relating to additional enforcement authority.

House amendment

Section 111 amended section 407(a) of the Act to establish conciliation procedures regarding the enforcement of section 407. The amendment provided that, if a candidate for Federal office fails to file a report required by title III of the Act, the Commission shall (1) make every effort for a period of not less than 30 days to correct the failure by informal methods of conference, conciliation, and persuasion; or (2) in the case of any failure to file which occurs less than 45 days before the date of an election, make every effort to correct the failure by informal methods for a period of not less than one-half the number of days between the date of the failure and the date of the election.

Conference substitute

The conference substitute is the same as the Senate bill.

Mass Mailings as Franked Mail

Senate bill

Section 110 of the Senate bill amended section 318 of the Act, as redesignated by section 105 of the Senate bill, to provide that Members of the Congress are prohibited from mailing as franked mail any general mass mailing less than 60 days before an election. The term "general mass mailing" was defined to mean newsletters and similar mailings of more than 500 pieces with similar content mailed at the same time or different times.

Section 501 of the Senate bill amended section 3210(a)(5)(D) of title 39, United States Code, to change the 28-day provision relating to franked mass mailings before an election to 60 days.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the House amendment, resulting in no change in existing law.

Contribution and Expenditure Limitations; Other Prohibitions; Penalties

A. Limitations on Contributions and Expenditures

Senate bill

Section 110 of the Senate bill added a new section 320 to the Act relating to limitations on contributions and expenditures. The text of this section is substantially similar to the provisions presently contained in section 608 of title 18, United States Code, which is transferred to the Act by this section, with some changes in the law to provide additional limitations on certain contributions by persons and by political committees.

(1) A person (as defined in the Act), including a political committee which does not qualify for the $5,000 contribution limit as a multicandidate political committee, may not contribute more than $1,000 per election to any candidate for Federal office. As under present law, earmarked contributions, and contributions made to a candidate's authorized political committees, are considered to be contributions to that candidate rather than contributions to that committee. A person also may not make contributions to any political committee established and maintained by a political party, which is not the authorized political committee of any candidate, which in the aggregate exceed $25,000 in a calendar year. A person is further prohibited from making contributions to any other political committee which in the aggregate exceed $5,000 in a calendar year.

(2) A political committee which has been registered as such for at least 6 months, which has received contributions from more than 50 persons, and which has made contributions to 5 or more candidates for Federal office, defined as a "multicandidate political committee", may contribute a total of $5,000 to a Federal candidate and his authorized political committee in any election campaign. A multicandidate political committee may not make contributions to any political committee established and maintained by a political party, which is not the authorized committee of any candidate, which in the aggregate exceed $25,000 in a calendar year. A multicandidate political committee is further prohibited from making contributions to any other political committee which in the aggregate exceed $10,000 in a calendar year. (The above limitations on contributions by multicandidate political committees do not apply to transfers between and among political committees which are national, State, district, or local committees of the same political party.)

(3) The section contains a provision establishing a rule which treats, for purposes of the foregoing limitations, as a single political committee, all political committees which are established, financed, maintained, or controlled by a single person or group of persons. This rule, however, does not apply to transfers of funds between political committees raised in joint fundraising efforts. It would also not apply so that contributions made by a political party through a single national committee and contributions by that party through a single State committee in each State are treated as having been made by a single political committee. The above rule, which is intended to curtail the

vertical proliferation of political committee contributions, would not preclude, however, a political committee of a national organization from contributing to a candidate or committee merely because of its affiliation with a national multicandidate political committee which has made the maximum contribution it is permitted to make to a candidate or a committee.

(4) As in existing law, an individual may not make contributions totaling more than $25,000 during any calendar year.

(5) This section also establishes rules for determining when a contribution made to a political committee is considered to be a contribution to a candidate, and when certain expenditures shall be considered to be contributions to a candidate, and subject to the limitations of the Act.

(6) The remaining provisions of this section transfer into the Act those provisions of 18 U.S.C. 608 which imposed expenditure limitations on presidential candidates, conditioning their application, in accordance with the Supreme Court's decision in *Buckley* v. *Valeo*, upon the acceptance of public financing. The expenditure limitations on national and State committees of political parties in 18 U.S.C 608(f) are also transferred into the Act.

(7) A final provision in new section 320 of the Act permits the Republican or Democratic Senatorial Campaign Committee, or the national committee of a political party, or any combination of such committees, notwithstanding any other provision of the Act, to contribute amounts totaling not more than $20,000 to a candidate for nomination for election, or for election, to the United States Senate during the year in which an election is held in which he is such a candidate.

House amendment

Section 112(a) amended title III of the Act by striking out section 320, as so redesignated by section 105 of the House amendment, and by adding new sections 320 through 328.

Section 320(a)(1) prohibits any person from making contributions (1) to any candidate in connection with any election for Federal office which, in the aggregate, exceed $1,000; or (2) to any political committee in any calendar year which exceed, in the aggregate, $1,000.

Subsection (a)(2) prohibits any political committee (other than a principal campaign committee) from making contributions to (1) any candidate in connection with any election for Federal office which, in the aggregate, exceed $5,000; or (2) any political committee in any calendar year which, in the aggregate, exceed $5,000. Contributions by the national committee of a political party serving as the principal campaign committee of a presidential candidate may not exceed the limitation described in the preceding sentence with respect to any other candidate for Federal office.

The term "political committee" was defined to mean an organization which (1) is registered as a political committee under section 303 of the Act for a period of not less than 6 months; (2) has received contributions from more than 50 persons; and (3) except for any State political party organization, has made contributions to 5 or more candidates for Federal office.

Subsection (a)(2) also provides that, for purposes of the limitations provided by subsection (a)(1) and subsection (a)(2), all contributions made by political committees which are established, financed, maintained, or controlled by any corporation, labor organization, or any other person (including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person), or by any group of such persons, shall be considered to have been made by a single political committee, except that (1) the amendment made by the House amendment does not limit transfers between political committees of funds raised through joint fundraising efforts; and (2) for purposes of the limitations provided by subsection (a)(1) and subsection (a)(2), all contributions made by a single political committee which is established, financed, maintained, or controlled by a national committee of a political party and by a single political committee established, financed, maintained, or controlled by the State committee of a political party, shall not be considered to have been made by a single political committee.

Subsection (a)(2) also provides that, in any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish, finance, maintain, or control more than one separate segregated fund, all such funds shall be treated as a single separate segregated fund for purposes of the limitations provided by subsection (a)(1) and subsection (a)(2).

Subsection (a)(3) prohibits any individual from making contributions which, in the aggregate, exceed $25,000 in any calendar year. Any contribution which is made to a candidate in a year other than the calendar year in which the election involved is held, is considered to be made during the calendar year in which the election is held.

Subsection (a)(4) provides that (1) any contribution to a named candidate which is made to any political committee authorized by the candidate to accept contributions on behalf of the candidate shall be considered to be contributions made to the candidate; (2) any expenditure which is made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate or any authorized political committee or agent of the candidate shall be considered to be a contribution to the candidate; (3) any expenditure to finance publication of any campaign broadcast or any other campaign materials prepared by a candidate or any authorized political committee or agency of the candidate shall be considered to be a contribution to that candidate; and (4) contributions made to a vice presidential nominee shall be considered to be contributions to the presidential nominee of the party involved.

Subsection (a)(5) provides that the contribution limitations established by subsection (a)(1) and subsection (a)(2) shall apply separately to each election, except that all elections in any calendar year for the office of President (except a general election for such office) shall be considered to be one election.

Subsection (a)(6) provides that all contributions made by a person on behalf of a particular candidate, including contributions which are earmarked or directed through an intermediary or conduit to such

candidate, shall be treated as contributions from the person involved to the candidate. The intermediary or conduit is required to report the original source of the contribution and the intended recipient of the contribution to the Commission and to report the original source of the contribution to the intended recipient. This provision is identical to existing law.

Section 320(b)(1) prohibits any candidate for the office of President who has established his eligibility to receive payments under section 9003 of the Internal Revenue Code of 1954 or under section 9033 of the Internal Revenue Code of 1954 from making expenditures in excess of (1) $10,000,000, in the case of a campaign for nomination for election to the office of President; or (2) $20,000,000 in the case of a campaign for election to the office of President. In the case of campaigns for nomination, the aggregate of expenditures in any one State may not exceed twice the greater of (1) 8 cents multiplied by the voting age population of the State; or (2) $100,000.

Subsection (b)(2) provides that (1) expenditures made by a vice-presidential nominee shall be considered to be expenditures made by the presidential nominee of the same political party; and (2) an expenditure is made on behalf of a candidate if it is made by (A) a committee or agent of the candidate authorized to make expenditures; or (B) any person authorized or requested by the candidate or an authorized committee or agent of the candidate to make the expenditure involved.

Section 320(c)(1) provides that, at the beginning of each calendar year (beginning in 1976), as there become available necessary data from the Bureau of Labor Statistics, the Secretary of Labor shall certify to the Commission the percentage difference between the price index from the 12-month period preceding the calendar year and the price index for the base period. The term "price index" is defined to mean the average over a calendar year of the Consumer Price Index (all items—United States city average), and the term "base period" is defined to mean the calendar year 1974. Each limitation established by section 320(b) and section 320(d) shall be increased by such percentage difference.

Section 320(d)(1) provides that the national committee of a political party and a State committee of a political party, including any subordinate committee of a State committee, may make expenditures in connection with the general election campaign of candidates for Federal office.

Subsection (d)(2) provides that the national committee of a political party may not make expenditures in connection with the general election campaign of a candidate for the office of President which exceed an amount equal to 2 cents multiplied by the voting age population of the United States. Any expenditures under subsection (d)(2) are considered as an addition to expenditures by a national committee of a political party which is serving as the principal campaign committee of a candidate for the office of President.

Subsection (d)(3) provides that the national committee of a political party and that the State committee of a political party, including any subordinate committee of a State committee, may each make expenditures in connection with the general election campaign of a candidate for Federal office in any State which do not exceed (1) in the case of candidates for election to the office of Senator (or of Representative from a State which is entitled to only one Representative), the greater of (A) 2 cents multiplied by the voting age population of the State; or (B) $20,000; and (2) in the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other State, $10,000.

Section 320(e) requires the Secretary of Commerce, during the first week of January 1975, and each subsequent year, to certify to the Commission and publish in the Federal Register an estimate of the voting age population of the United States, of each State, and of each congressional district, as of the first day of July next preceding the date of certification. The term "voting age population" was defined to mean resident population, 18 years of age or older.

Section 320(f) prohibits candidates and political committees from knowingly accepting any contribution or knowingly making any expenditure in violation of section 320. Subsection (f) also prohibits any officer or employee of a political committee from knowingly accepting a contribution made to a candidate, or knowingly making an expenditure on behalf of a candidate in violation of section 320.

Section 320(g) requires the Commission to prescribe rules under which expenditures by a candidate for presidential nomination for use in 2 or more States shall be attributed to the expenditure limits of such candidate in each State involved. The attribution shall be based on the voting age population in each State which can reasonably be expected to be influenced by the expenditure.

Conference substitute

The conference substitute is the same as the Senate bill with regard to limitations on contributions by any person and by any multicandidate political committee, except as follows:

1. Each person may contribute not more than $20,000 in a calendar year to the political committees established and maintained by a national political party and which are not authorized political committees of candidates.
2. A multicandidate political committee may contribute only $15,000 in a calendar year to the political committees established and maintained by a national political party (other than authorized candidates' committees) and $5,000 in a calendar year to any other political committee.

The conferees' decision to impose more precisely defined limitations on the amount an individual may contribute to a political committee, other than a candidate's committees, and to impose new limits on the amount a person or a multicandidate committee may contribute to a political committee, other than candidates' committees, is predicated on the following considerations: first, these limits restrict the opportunity to circumvent the $1,000 and $5,000 limits on contributions to a candidate; second, these limits serve to assure that candidates' reports reveal the root source of the contributions the candidate has received; and third, these limitations minimize the adverse impact on the statutory scheme caused by political committees that appear to be separate entities pursuing their own ends, but are actually a means for advanc-

ing a candidate's campaign. The conferees also determined that it is appropriate to set a higher limit on contributions from persons to political committees of national political parties in order to allow the political parties to fulfill their unique role in the political process. In this connection, the term "political committee established or maintained by a national political party" includes the Senate and House Campaign Committees.

The conferees also agree that the same limitations on contributions that apply to a candidate shall also apply to a committee making expenditures solely on behalf of such candidate.

The conference substitute is the same as the provision of the House amendment which states that segregated funds established or controlled by a corporation and its subsidiaries or by a labor organization and its local organizations are considered to be one segregated fund.

The anti-proliferation rules established by the conference substitute are intended to prevent corporations, labor organizations, or other persons or groups of persons from evading the contribution limits of the conference substitute. Such rules are described as follows:

1. All of the political committees set up by a single corporation and its subsidiaries are treated as a single political committee.
2. All of the political committees set up by a single international union and its local unions are treated as a single political committee.
3. All of the political committees set up by the AFL–CIO and all its State and local central bodies are treated as a single political committee.
4. All the political committees established by the Chamber of Commerce and its State and local Chambers are treated as a single political committee.
5. The anti-proliferation rules stated also apply in the case of multiple committees established by a group of persons.

These anti-proliferation rules, however, permit political committees which solicit contributions in their joint names, and on the understanding that the money collected through that joint fundraising effort will be divided among the participating committees, to make such a division. In adddition, for the purpose of these rules, contributions to a candidate or to a political committee by the political committees of a national committee of a political party or by the political committees of a State committee of a political party are treated separately and are not regarded as contributions by one committee.

The conference substitute provides that the limitations on contributions under section 320 do not limit transfer of funds between the principal campaign committee of a candidate for nomination or election to a Federal office and the principal campaign committee of the same candidate for nomination or election to another Federal office if the transfer is not made when the candidate is actively seeking nomination or election to both such offices, the transfer would not result in a violation, for any person who has contributed to both such committees, of the limitations on contributions by a person to such a principal campaign committee, and the candidate has not accepted any public campaign financing funds.

The conference substitute is the same as the House amendment with regard to applying contribution limitations to each separate election.

The conference substitute is the same as the House amendment and the Senate bill with regard to an overall limitation of $25,000 on contributions by an individual in a calendar year and with regard to defining "contribution".

This definition distinguishes between independent expressions of an individual's views and the use of an individual's resources to aid a candidate in a manner indistinguishable in substance from the direct payment of cash to a candidate.

The conference substitute is the same as the House amendment and the Senate bill with regard to contributions made through intermediaries.

The conference substitute is the same as the House amendment and the Senate bill regarding limitations on expenditures by a candidate who is eligible to receive public campaign financing funds, except that the conference substitute uses the language of the Senate bill with regard to the eligibility requirement.

The conference substitute is the same as the House amendment and the Senate bill with regard to political party expenditures on behalf of the party's candidates. This limited permission allows the political parties to make contributions in kind by spending money for certain functions to aid the individual candidates who represent the party during the election process. Thus, but for this subsection, these expenditures would be covered by the contribution limitations stated in subsections (a) (1) and (a) (2) of this provision.

The conference substitute is the same as the Senate bill with regard to contributions by the Republican or Democratic senatorial campaign committee, except that the amount of such contributions is limited to $17,500 per candidate.

It is the conferees' intent that the additional calendar year contribution limitations imposed by section 320 of the Act shall apply in the first instance to the period beginning on the date of the enactment of the conference substitute and extending through December 31, 1976. Thereafter, of course, the term "calendar year" will be accorded its normal meaning.

B. CONTRIBUTIONS OR EXPENDITURES BY NATIONAL BANKS, CORPORATIONS, OR LABOR ORGANIZATIONS

Senate bill

Section 610 of title 18, United States Code, prohibiting contributions by corporations and labor organizations, was transferred by the Senate bill from title 18 to the Act as new section 321 of the Act. The following changes from existing law are noted:

(1) The penalty provisions are removed from the section and replaced by a general penalty provision contained in a new section 328 of the Act which includes a separate provision making it a felony to violate the anticoercion provisions of this section. Violations of this section would also be subject to the civil enforcement powers of the Commission and the courts under the Senate bill.

(2) Corporations are prohibited from soliciting contributions from persons who are not stockholders, executive or administrative personnel, or the families of such persons, and labor organizations are pro-

hibited from soliciting contributions from persons other than members of the organization and their families. The term "executive or administrative personnel" is defined as individuals who are paid by salary rather than on an hourly basis, and who have policymaking or supervisory responsibilities. The term "stockholder" is defined to include any individual who has a legal, vested, or beneficial interest in stock, including, but not limited to, employees of a corporation who participate in a stock bonus, stock option, or employee stock ownership plan.

(3) Corporations, labor organizations, or separate segregated funds of such corporation or labor organization may in addition to (2) above, make 2 written solicitations for contributions during a calendar year from any stockholder, officer, or employee of a corporation or the families of such persons. Such solicitations may be made only by mail to such person's residence and designed so that the corporation, labor organization, or separate segregated fund conducting such solicitation cannot determine who makes a contribution as a result of such solicitation and who does not.

(4) A membership organization, cooperative, or corporation without capital stock or a separate segregated fund established by such organizations may solicit contributions to such a fund from members of such organization, cooperative, or corporation without capital stock.

(5) Any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund permitted to corporations shall also be permitted to labor organizations.

(6) A corporation which uses any particular method for soliciting or facilitating the making of voluntary contributions to a separate segregated fund is required to make that method available to a labor organization representing employees of that corporation upon written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby.

House amendment

Section 321(a) of the Act, as added by the House amendment, makes it unlawful for any national bank or any Federal corporation to make any contribution or expenditure in connection with (1) any election to any political office; or (2) any primary election or political convention or caucus held to select candidates for any political office. Subsection (a) also prohibits any corporation or labor organization from making a contribution or expenditure in connection with (1) any general election for Federal office; or (2) any primary election or political convention or caucus held to select candidates for any Federal office.

Subsection (a) also prohibits any candidate, political committee, or other person from knowingly accepting or receiving any contribution which is prohibited by section 321. It is also unlawful for any officer or director of a corporation or national bank, or any officer of a labor organization, to consent to any contribution or expenditure which is prohibited by section 321.

Section 321(b)(1) defines the term "labor organization" to mean any organization or any agency or employee representation committee or plan in which employees participate and which exists for the purpose of dealing with employers regarding grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Subsection (b)(2) defines the term "contribution or expenditure" to include any payment or other distribution of money, services, or anything of value (except a lawful loan by a national or State bank in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any Federal office.

Such term, however, does not include—

(1) communications on any subject by a corporation to its stockholders and executive officers and their families, or by a labor organization to its members and their families;

(2) nonpartisan registration and voting campaigns conducted by a corporation with respect to its stockholders and its executive officers and their families, or by a labor organization with respect to its members and their families; and

(3) the establishment, administration, and solicitation of contributions to a separate segregated fund to be used for political purposes by a corporation or labor organization, except that—

(A) it is unlawful for such a fund to make a contribution or expenditure through the use of money or anything of value secured by (i) physical force; (ii) job discrimination; (iii) financial reprisal; (iv) the threat of force, job discrimination, or financial reprisals; (v) dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment; or (vi) moneys obtained in any commercial transaction;

(B) it is unlawful for a corporation or a separate segregated fund established by a corporation to solicit contributions from any person other than stockholders and executive officers of such corporation and their families, for an incorporated trade association or a separate segregated fund established by such an association to solicit contributions from any person other than the stockholders and executive officers of the member corporations of such trade association and the families of stockholders and executive officers (to the extent that any such solicitation has been separately and specifically approved by the member corporation involved, and such member corporation has not approved any such solicitation by more than one such trade association in any calendar year), or for a labor organization or a separate segregated fund established by a labor organization to solicit contributions from any person other than the members of the labor organization and their families;

(C) any method of soliciting voluntary contributions, or of facilitating the making of voluntary contributions, to a separate segregated fund established by a corporation which may be used by a corporation also may be used by labor organizations; and

(D) a corporation which uses a method of soliciting voluntary contributions or facilitating the making of voluntary contributions shall make such method available to a labor organization representing any members who work for the corporation, upon written request by the labor organization.

The House amendment was intended to acknowledge the use by corporations of various methods, such as check-off systems, to solicit voluntary contributions or to facilitate the making of such contributions to separate segregated political funds. If a corporation uses such a method, the House amendment extended the same right to labor organizations. The House amendment, however, also would permit a corporation to allow a labor organization to use a method even though the corporation has chosen not to use such method. The House amendment also intended to authorize such methods notwithstanding any other provision of law.

In any instance in which a corporation uses a method (such as the use of computer data) to solicit voluntary contributions or to facilitate the making of contributions to separate segregated political funds, the House amendment also was intended to require that the corporation make such method available to a labor organization if the labor organization represents members who work for the corporation, and the labor organization makes a written request for the use of the method involved. The labor organization would be required to reimburse the corporation for any expense incurred in connection with the use of the method by the labor organization.

Subsection (b)(3) defines the term "executive officer" to mean an individual employed by a corporation who is paid on a salary rather than an hourly basis and who has policymaking or supervisory responsibilities.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The conference substitute follows the Senate bill in applying the definition of the term "contribution or expenditure" contained in section 321 to section 791(h) of the Public Utility Holding Company Act.

2. The conference substitute follows the Senate bill in using the term "executive or administrative personnel" throughout section 321 rather than "executive officer". The conference substitute defines that term to mean an employee who is paid on a salary, rather than hourly, basis and who has policymaking, managerial, professional, or supervisory responsibilities. The term "executive or administrative personnel" is intended to include the individuals who run the corporation's business, such as officers, other executives, and plant. division, and section managers, as well as individuals following the recognized professions, such as lawyers and engineers, who have not chosen to separate themselves from management by choosing a bargaining representative; but is not intended to include professionals who are members of a labor organization, or foremen who have direct supervision over hourly employees, or other lower level supervisors such as "strawbosses".

3. The conference substitute follows the Senate bill in requiring that when a corporation solicits its executive and administrative personnel as permitted by subsection (b)(4)(B), for a contribution to a separate segregated fund, the employee being solicited must be informed at the time of the solicitation of the political purposes of the fund and that he may refuse to contribute.

4. The conference substitute follows the Senate bill in permitting under certain circumstances written solicitations by corporations and labor organizations of stockholders, executive or administrative personnel, members of labor organizations, and other employees (and their families) of a corporation. It is the conferees' intent that in order to assure the ananymity of those who do not wish to respond or who wish to respond with a small contribution the mail solicitations shall be conducted so that an independent third person, who acts as fiduciary for the separate segregated fund, receives the return envelopes, keeps the necessary records, and provides the fund only with information as to the identity of individuals who make a single contribution of over $50 or multiple contributions that aggregate more than $100. The conference substitute follows the House amendment with regard to the solicitation by a trade association of stockholders and executive or administrative personnel (and their families) of a member corporation of such trade association. The conference substitute contains the provision of the Senate bill permitting a membership organization, cooperative, or corporation without capital stock, or a separate segregated fund established by such organizations, to solicit contributions to such a fund from members of such organization, cooperative, or corporation without capital stock. In light of the fact that subsection (b)(4)(D) governs solicitations by a trade association of the stockholders and executive or administrative personnel of a member corporation, the term "membership organization" in subsection (b)(4)(C) is not intended to include a trade association which is made up of corporations.

The conferees' intent is also noted with regard to the following additional points:

1. Subparagraphs (B) and (C) of section 301(f)(4), and subparagraphs (A) and (B) of section 321(b)(2), which were added to the law at different times, overlap in that both make exceptions to the term "expenditure" for internal communications and for nonpartisan registration and get-out-the-vote activity. The dual reference to internal communications is intended to permit corporations to write, or call, or address their stockholders and executive or administrative personnel and their families (and unions to reach their members and their families in the same ways), to communicate a partisan or nonpartisan political message, subject only to the reporting requirement added by the conference substitute and already discussed. (The conferees agree that section 301(f)(4)(C), as amended by the conference substitute, makes reporting requirements applicable to certain communications which are not expenditures under this section but which expressly advocate the election or defeat of a clearly identified candidate.) The conferees' intent with regard to the interrelationship between sections 301(f)(4)(B) and 321(b)(2)(B) which permit such activities as assisting eligible voters to register and to get to the polls, so long as these services are made available without regard to the voter's political preference, is the following: these provisions should be read together to permit corporations both to take part in nonpartisan registration and get-out-the-vote

activities that are not restricted to stockholders and executive or administrative personnel, if such activities are jointly sponsored by the corporation and an organization that does not endorse candidates and are conducted by that organization; and to permit corporations, on their own, to engage in such activities restricted to executive or administrative personnel and stockholders and their families. The same rule, of course, applies to labor organizations.

2. With regard to subparagraphs (B) and (C) of section 321 (b)(3), which provide certain protections to employees solicited by their employer, it is intended that the general rule inherent in the plan of the entire section—that unions insofar as they are employers, stand in the same shoes as corporations—shall apply. In addition, while the conference substitute permits corporations in connection with an overall solicitation of stockholders to solicit employee-stockholders, such a solicitation would, of course, have to be in conformity with the requirements of subparagraphs (B) and (C) of section 321(b)(3). The same rule, of course, applies to labor organizations in the solicitation of their members.

3. The conferees agree that subsections (b)(4)(B) and (b)(6), taken together, require a corporation to make available to the labor organization any method utilized by such corporation to make the written solicitation of employees and of stockholders who are not employees. However, if the corporation does not desire to relinquish or disclose to the labor organization the names and addresses of individuals to be solicited, it is the conferees' intent that an independent mailing service shall be retained to make the mailing for both the corporation and the labor organization. Finally, it is intended that in a situation in which there are several labor organizations, rather than one, with members at a single corporation, the unions as a group shall have no greater right to make solicitations than a single union would. It is the conferees' intent that corporations and labor organizations are entitled to utilize such method solely for a mail solicitation for contributions to their separate segregated fund and not for any other purpose.

4. Subsection (b)(5), as opposed to (b)(6), merely eliminates any legal impediment to the use by a labor organization of any method permitted by law to a corporation with regard to the solicitation of its stockholders and executive or administrative personnel, or with regard to facilitating the making of contributions by stockholders and executive and administrative personnel, and does not automatically make such methods available to unions.

5. The conference substitute does not define the term "stockholder". It is intended that in this regard the normal concepts of corporate law shall be controlling.

C. CONTRIBUTIONS BY GOVERNMENT CONTRACTORS

Senate bill

The prohibitions against contributions by government contractors contained in 18 U.S.C. 611 were transferred to the Act as new section 322, absent the existing penalty provisions, which are replaced by the penalty and enforcement provisions under new sections 313 and 328 of the Act. Each specific prohibition, allowance, and duty applicable to a corporation, labor organization, or separate segregated fund under section 321 is made applicable to a corporation, labor organization, or separate segregated fund to which section 322(b) applies.

House amendment

Section 322(a) of the Act, as added by the House amendment, makes it unlawful for any person who enters into certain contracts with the United States to make any contribution, or to promise to make any contribution, to any political party, committee, or candidate for public office, or to any person for any political purpose or use, or to solicit any such contribution from any such person. The prohibition applies during the period beginning on the date of the commencement of negotiations for the contract involved and ending on the later of (1) the completion of performance under the contract; or (2) the termination of negotiations for the contract.

The prohibition applies with respect to any contract with the United States or any department or agency of the United States for (1) the performance of personal services; (2) furnishing any materials, supplies, or equipment; or (3) selling any land or building. The prohibition, however, applies only if payment under the contract is to be made in whole or in part from funds appropriated by the Congress.

Section 322(b) provides that section 322 does not prohibit the operation of a separate segregated fund by a corporation or labor organization for the purpose of influencing the nomination for election, or election, of any person to Federal office, unless the provisions of section 321 prohibit the operation of such fund.

Section 322(c) defines the term "labor organization" by giving it the same meaning as in section 321.

Conference substitute

The conference substitute is the same as the Senate bill, except the conference substitute makes it clear that the provisions of section 322 (c) of the Act, as added by the conference substitute, also apply to membership organizations, cooperatives, and corporations without capital stock.

D. PUBLICATION OR DISTRIBUTION OF POLITICAL STATEMENTS

Senate bill

Section 323 of the Act, as added by the Senate bill, provides that, whenever a person makes an expenditure to finance a communication which advocates the election or defeat of a clearly identified candidate through a broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or other type of general public political advertising, such communication (1) if authorized by a candidate or an authorized political committee or agent of a candidate, shall state that such communication has been so authorized; or (2) if not authorized by a candidate, or an authorized political committee or agent of a candidate, shall state (A) that the communication is not so authorized; and (B) the name of the person making or financing the expenditure for the communication, including (in the case of a political committee) the name of any affiliated organization as stated in section 303(b)(2) of the Act.

House amendment

Section 323 of the Act, as added by the House amendment, provides that, whenever a person makes an expenditure to finance a communication which advocates the election or defeat of a clearly identified candidate through a broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or other type of general public political advertising, such communication (1) if authorized by a candidate or an authorized political committee or agent of a candidate, shall state that such communication has been so authorized; or (2) if not authorized by a candidate, or an authorized political committee or agent of a candidate, shall state (A) that the communication is not so authorized; and (B) the name of the person making or financing the expenditure for the communication, including (in the case of a political committee) the name of any affiliated organization as stated in section 303(b)(2) of the Act.

Conference substitute

The conference substitute is the same as the House amendment and the Senate bill.

E. CONTRIBUTIONS BY FOREIGN NATIONALS

Senate bill

Section 324(a) of the Act, as added by the Senate bill, makes it unlawful for a foreign national to make any contribution in connection with (1) any election to any political office; or (2) any primary election, convention, or caucus held to select candidates for any political office. It is also unlawful for any person to solicit, accept, or receive any such contribution from a foreign national.

Section 324(b) defines the term "foreign national" to mean (1) a foreign principal, as defined by section 1(b) of the Foreign Agents Registration Act of 1938, except that the term "foreign national" does not include any individual who is a citizen of the United States; or (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act.

Section 324 incorporates the provisions of 18 U.S.C. 613, replacing the criminal penalties under section 613 with the penalty and enforcement provisions under sections 313 and 328 of the Act, as added by the Senate bill.

House amendment

Section 324(a) of the Act, as added by the House amendment, makes it unlawful for a foreign national to make any contribution in connection with (1) any election to any political office; or (2) any primary election, convention, or caucus held to select candidates for any political office. It is also unlawful for any person to solicit, accept, or receive any such contribution from a foreign national.

Section 324(b) defines the term "foreign national" to mean (1) a foreign principal, as defined by section 1(b) of the Foreign Agents Registration Act of 1938, except that the term "foreign national" does not include any individual who is a citizen of the United States; or (2) an individual who is not a citizen of the United States and who is not

lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act.

Section 324 is the same as section 613 of title 18, United States Code, except that the penalties were omitted in order to conform with section 328 of the Act. The House amendment eliminated section 613 of title 18, United States Code.

Conference substitute

The conference substitute is the same as the House amendment and the Senate bill.

F. PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

Senate bill

Section 325 of the Act, as added by the Senate bill, prohibits any person from (1) making a contribution in the name of another person; (2) knowingly permitting his name to be used to make such a contribution; and (3) knowingly accepting a contribution made by one person in the name of another person.

Section 325 incorporates the provisions of 18 U.S.C. 614, replacing the criminal penalties under section 614 with the penalty and enforcement provisions under sections 313 and 328 of the Act, as added by the Senate bill.

House amendment

Section 325 of the Act, as added by the House amendment, prohibits any person from (1) making a contribution in the name of another person; (2) knowingly permitting his name to be used to make such a contribution; and (3) knowingly accepting a contribution made by one person in the name of another person.

Section 325 is the same as section 614 of title 18, United States Code, except that the penalties were omitted in order to conform with section 328 of the Act. The House amendment eliminated section 614 of title 18, United States Code.

Conference substitute

The conference substitute is the same as the House amendment and the Senate bill.

G. LIMITATION ON CONTRIBUTIONS OF CURRENCY

Senate bill

Section 326 of the Act, as added by the Senate bill, incorporates the provisions of 18 U.S.C. 615 (relating to the prohibition of contributions in currency in excess of $100) replacing the criminal penalties contained in section 615 with the penalty and enforcement provisions under sections 313 and 328 of the Act, as added by the Senate bill.

House amendment

Section 326(a) of the Act, as added by the House amendment, prohibits any person from making contributions of currency of the United States or of any foreign country to any candidate which, in the aggregate, exceed $100, with respect to any campaign of the candidate for nomination for election, or for election, to Federal office.

Section 326(b) provides that any person who knowingly and willfully violates section 326 shall be fined in an amount which does not

exceed the greater of $25,000 or 300 percent of the amount of the contribution involved, imprisoned for not more than 1 year, or both.

Conference substitute

The conference substitute is the same as the Senate bill.

H. ACCEPTANCE OF EXCESSIVE HONORARIUMS

Senate bill

The Senate bill eliminated provisions relating to the acceptance of excessive honorariums.

House amendment

Section 327 of the Act, as added by the House amendment, prohibits any person who is an elected or appointed officer or employee of any branch of the Federal Government from accepting (1) any honorarium of more than $1,000 (excluding amounts accepted for actual travel and subsistence expenses) for any appearance, speech, or article; or (2) honorariums aggregating more than $15,000 in any calendar year.

Section 327 is the same as section 616 of title 18, United States Code, except that the penalties were omitted in order to conform with section 328 of the Act. The House amendment eliminated section 616 of title 18, United States Code.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The limitation on an honorarium for any appearance, speech, or article is $2,000.
2. The limitation on the total amount of honorarium in any calendar year is $25,000.
3. The conference substitute provides that, in calculating the amount of an honorarium, actual travel and subsistence expenses for the spouse of the person involved, or an aide of such person, shall not be included. Any amount paid or incurred for agents' fees or commissions also shall not be included.

I. FRAUDULENT MISREPRESENTATION OF CAMPAIGN AUTHORITY

Senate bill

Section 327 of the Act, as added by the Senate bill, incorporates the provisions of 18 U.S.C. 617 (relating to the prohibition of fraudulent misrepresentation of campaign authority), replacing the criminal penalties contained in section 617 with the penalty and enforcement provisions under sections 313 and 328 of the Act, as added by the Senate bill.

House amendment

Section 112(b) of the House amendment amended title III of the Act by adding a new section 316. Section 316 prohibits any candidate for Federal office, or any employee or agent of the candidate from (1) fraudulently misrepresenting himself (or any committee or organization under his control) as acting for or on behalf of any other candidate or political party regarding a matter which is damaging to such other candidate or political party; or (2) participating in, or conspiring to participate in, any plan to violate section 316.

Section 316 is substantially the same as section 617 of title 18, United States Code, except that the penalties were omitted in order to conform with section 328 of the Act. The House amendment eliminated section 617 of title 18, United States Code.

Conference substitute

The conference substitute is the same as the Senate bill.

J. PENALTY FOR VIOLATIONS

Senate bill

Section 328 of the Act, as added by the Senate bill, provides that, upon enactment of the bill, a knowing and willful violation of the Act, as amended, which involves the making, receiving, or reporting of any contribution or expenditure having a value in the aggregate of $1,000 or more in any calendar year is punishable by a fine not in excess of $25,000 or 3 times the amount involved, whichever is greater, and imprisonment for not more than 1 year, or both the fine and imprisonment. In the case of a knowing and willful violation of section 325 or 326, the above penalties shall apply to a violation involving an amount having a value in the aggregate of $250 or more during a calendar year. In the case of a knowing and willful violation of section 327, the penalties of this section 328 shall apply without regard to whether the making, receiving, or reporting of a contribution of $1,000 or more was involved.

In addition, a willful and knowing violation of section 321(b)(2) of the Act, as added by the Senate bill (involving coercion or undue influence by corporations or labor organizations), is punishable by a fine of not more than $50,000, imprisonment for not more than 2 years, or both.

Section 328(b) provides that in any criminal action brought for a violation of a provision of the Act, as amended, or of the public financing provisions of the Internal Revenue Code that the defendant may introduce as evidence of his lack of knowledge or intent to commit the offense a conciliation agreement entered into with the Commission which is still in effect and being complied with. Such a conciliation agreement is also required to be taken into account in weighing the seriousness of the offense and in considering the seriousness of the penalty to be imposed if the defendant is found guilty.

House amendment

Section 328 of the Act, as added by the House amendment, provides that any person who knowingly and willfully violates any provision or provisions of the Act (other than section 326) which involves the making, receiving, or reporting of any contribution or expenditure having a value, in the aggregate of $1,000, or more during any calendar year shall be fined in an amount which does not exceed the greater of $25,000 or 300 percent of the amount of the contribution or expenditure involved, imprisoned for not more than 1 year, or both.

Conference substitute

The conference substitute is the same as the Senate bill, except that the penalty is the same for all knowing and willful violations of the Act and such penalty applies to a violation of section 321(b)(3) only if an amount of $250 or more in a calendar year is involved.

Savings Provision Relating to Repealed Provisions

Senate bill

Section 112 of the Senate bill provided that the repeal by the Senate bill of any section or penalty does not release or extinguish any penalty, forfeiture, or liability incurred under such penalty or section.

House amendment

Section 113 of the House amendment amended title III of the Act by adding a new section 329. Section 329 provides that the repeal by the House amendment of any provision or penalty shall not have the effect of releasing or extinguishing any penalty, forfeiture, or liability incurred under the provision or penalty. The provision or penalty shall be treated as remaining in force for the purpose of sustaining any action or prosecution for the enforcement of the penalty, forfeiture, or liability.

Conference substitute

The conference substitute is the same as the Senate bill.

Principal Campaign Committees

Senate bill

No provision.

House amendment

Section 114 of the House amendment amended section 302(f) of the Act to provide that, with respect to the designation of political committees as principal campaign committees, any occasional, isolated, or incidental support of a candidate shall not be construed as support of such candidate for purposes of section 302.

Conference substitute

The conference substitute is the same as the House amendment.

Authorization of Appropriations

Senate bill

Section 111 of the Senate bill provided an authorization of $8,000,000 for fiscal year 1976, $2,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, and $8,000,000 for fiscal year 1977.

House amendment

No provision.

Conference substitute

The conference substitute provides an authorization of $6,000,000 for fiscal year 1976, $1,500,000 for the transition period, and $6,000,000 for fiscal year 1977.

Technical and Conforming Amendments

The Senate bill and the House amendment included various technical and conforming amendments to the Act. These amendments are incorporated in the conference substitute.

AMENDMENTS TO TITLE 18, UNITED STATES CODE

Repeal of Certain Provisions

Senate bill

Section 201(a) of the Senate bill amended chapter 29 of title 18, United States Code, by striking out section 608 (relating to limitations on contributions and expenditures), 610 (relating to contributions or expenditures by national banks, corporations, or labor organizations), 611 (relating to contributions by Government contractors), 612 (relating to publication or distribution of political statements), 613 (relating to contributions by foreign nationals), 614 (relating to prohibition of contributions in name of another), 615 (relating to limitations on contributions of currency), 616 (relating to acceptance of excessive honorariums), and 617 (relating to fraudulent misrepresentation of campaign authority).

Section 201(b) made conforming amendments to the table of sections for chapter 29 of title 18, United States Code.

House amendment

Section 201(a) of the House amendment amended chapter 29 of title 18, United States Code, by striking out section 608 (relating to limitations on contributions and expenditures), 610 (relating to contributions or expenditures by national banks, corporations, or labor organizations), 611 (relating to contributions by Government contractors), 612 (relating to publication or distribution of political statements), 613 (relating to contributions by foreign nationals), 614 (relating to prohibition of contributions in name of another), 615 (relating to limitations on contributions of currency), 616 (relating to acceptance of excessive honorariums), and 617 (relating to fraudulent misrepresentation of campaign authority).

Section 201(b) made conforming amendments to the table of sections for chapter 29 of title 18, United States Code.

Conference substitute

The conference substitute is the same as the House amendment and the Senate bill.

Changes in Definitions

Senate bill

No provision.

House amendment

Section 202(a) of the House amendment made a conforming amendment to section 591 of title 18, United States Code, based upon the amendment made by section 201(a) of the House amendment.

Section 202(b) amended section 591(e)(4) of title 18, United States Code, to provide that the term "contribution" does not apply (1) in the case of any legal or accounting services rendered to the national committee of a political party, other than any such services attributable to any activity which directly furthers the election of any designated candidate to Federal office; or (2) in the case of any legal or accounting services rendered to a candidate or political committee solely for the purpose of ensuring compliance with the Act, chapter

29 of title 18, United States Code, or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Section 202(c) amended section 591(f)(4) of title 18, United States Code, to provide that the term "expenditure" does not include the payment, by any person other than a candidate or political committee, of compensation for legal or accounting services rendered (1) to the national committee of a political party, other than services attributable to activities which further the election of a designated candidate to Federal office; or (2) to a candidate or political committee solely for the purpose of ensuring compliance with the Act, chapter 29 of title 18, United States Code, or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Conference substitute

The conference substitute is the same as the House amendment, except that the conference substitute includes a modified version of the provision of the Senate bill which provides that legal or accounting services are considered contributions if the person paying for the services is a person other than the "regular" employer of the individual rendering the services. The conference substitute includes this provision of the Senate bill with respect to the definition of the terms "contribution" and "expenditure" in section 301 of the Act and in section 591 of title 18, United States Code.

AMENDMENTS TO INTERNAL REVENUE CODE OF 1954

Entitlement of Eligible Candidates to Payments

Senate bill

Section 301 of the Senate bill amended the public financing provisions of the Internal Revenue Code of 1954 by prohibiting a presidential candidate who accepts public funds from expending more than $50,000 from his own personal funds or the funds of his immediate family in connection with his campaign. The term "immediate family" was defined to mean a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons. Expenditures made by an individual after January 29, 1976, and before the date of enactment of the Senate bill shall not be taken into account in applying the limitation under such Code.

House amendment

Section 301 of the House amendment amended section 9004 of the Internal Revenue Code of 1954 by adding new subsections (d) and (e). Subsection (d) provides that, in order to be eligible to receive payments under section 9006, a candidate of a major, minor, or new party for election to the office of President must certify to the Commission that the candidate will not knowingly make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for election to the office of President, in excess of an aggregate amount of $50,000. Expenditures made by a vice presidential nominee shall be considered to be expenditures made by the presidential nominee of the same political party.

Subsection (e) defines the term "immediate family" to mean the spouse of a candidate, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

Section 306(a) amended section 9035 of the Internal Revenue Code of 1954 to provide that any candidate seeking Federal matching funds in connection with a campaign for nomination for election to the office of President may not knowingly make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign which exceed an aggregate amount of $50,000. Section 306(a) also amended section 9035 of the Internal Revenue Code of 1954 by adding a new subsection (b) which defines the term "immediate family" to mean the spouse of a candidate, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

Section 306(b) made a conforming amendment to the table of sections for chapter 96 of the Internal Revenue Code of 1954.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The conference substitute follows the Senate bill with respect to the definition of the term "immediate family". The conference substitute does not in any way disturb the $1,000 contribution limit applicable to all individuals, including the immediate family of a candidate.
2. The conference substitute includes the provision of the Senate bill which states that expenditures made by an individual after January 29, 1976, and before the date of the enactment of the conference substitute, shall not be taken into account in applying the limitation regarding the expenditure of personal funds.

Insufficient Amounts in Presidential Election Campaign Fund

Senate bill

Section 302 of the bill amended section 9006 of the Internal Revenue Code of 1954 by striking out subsection (b). Subsection (b) provides that any moneys remaining in the Presidential Election Campaign Fund after a presidential election shall be transferred to the general fund of the Treasury.

House amendment

Section 302(a) of the House amendment amended section 9006 of the Internal Revenue Code of 1954 by striking out subsection (b). Subsection (b) provides that any moneys remaining in the Presidential Election Campaign Fund after a presidential election shall be transferred to the general fund of the Treasury.

Conference substitute

The conference substitute is the same as House amendment and the Senate bill.

Insufficient Amounts in Presidential Election Campaign Fund

Senate bill

No provision.

House amendment

Section 302(b) of the House amendment amended section 9006(c) of the Internal Revenue Code of 1954, as so redesignated by section

302(a) of the House amendment, to provide that, in any case in which the Secretary of the Treasury determines that there are not sufficient moneys in the Presidential Election Campaign Fund to make payments under section 9006(b), section 9008(b)(3), and section 9037(b) of the Internal Revenue Code of 1954, moneys shall not be made available from any other source for the purpose of making payments.

Conference substitute

The conference substitute is the same as the House amendment.

Provision of Legal or Accounting Services

Senate bill

The Senate bill provided that payment for legal or accounting services shall not be treated as an expenditure by the national committee of a political party in connection with its presidential nominating convention unless the person paying for such services is a person other than the employer of the individual rendering the services.

House amendment

Section 303 of the House amendment amended section 9008(d) of the Internal Revenue Code of 1954 by adding a new paragraph (4). Paragraph (4) provides that any payment by a person other than the national committee of a political party of compensation to any person for legal or accounting services rendered to the national committee of a political party shall not be treated as an expenditure made by the national committee with respect to the presidential nominating convention of the political party involved.

Conference substitute

The conference substitute includes a modified version of the Senate bill which provides that legal or accounting services are considered contributions if the person paying for the services is a person other than the "regular" employer of the individual rendering the services.

Review of Regulations

Senate bill

Section 303 of the bill amended the public financing provisions of the Internal Revenue Code of 1954 relating to congressional review of regulations promulgated under such provisions, to provide for a 15-legislative-day or 30-calendar-day period, whichever is later, during which a proposed rule or regulation can be disapproved.

House amendment

Section 304(a) of the House amendment amended section 9009(c)(2) of the Internal Revenue Code of 1954 to provide that the Congress may disapprove proposed rules and regulations of the Commission in whole or in part. The amendment also provided that, whenever a committee of the House of Representatives reports any resolution relating to a proposed rule or regulation of the Commission, it is in order at any time (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

Although the motion to proceed to the consideration of the resolution is not debatable, debate may be conducted with respect to the contents of the resolution.

Section 304(b) made an identical amendment to section 9039(c)(2) of the Internal Revenue Code of 1954.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

The conference substitute provides that, for purposes of reviewing regulations proposed by the Commission, the Congress may disapprove any provision or series of interrelated provisions which states a single separable rule of law.

The conferees agree that this provision does not give the Congress the power to revise proposed regulations by disapproving a particular word, phrase, or sentence, but only gives each House of the Congress the power to determine which proposed regulations of the Commission constitute distinct regulations which can only be disapproved in whole. This provision is intended to permit disapproval of discrete self-contained sections or subdivisions of proposed regulations and is not intended to permit the rewriting of regulations by piecemeal changes.

Return of Federal Funds

Senate bill

Section 306 of the Senate bill amended section 9037 of the Internal Revenue Code of 1954 to provide that a candidate receiving Federal matching funds in connection with his presidential primary campaign may not continue to receive matching funds if he fails to receive 10 percent or more of the votes cast in 2 consecutive primaries. The Senate bill provided that the eligibility of a candidate to receive matching funds may be reinstated if the candidate receives 20 percent or more of the votes cast in a presidential primary held after the candidate's payments were terminated.

The Senate bill provided that this provision would take effect on the date of the enactment of the Senate bill.

House amendment

Section 307(a)(1) of the House amendment amended section 9002(2) of the Internal Revenue Code of 1954 to provide that the term "candidate" does not include any individual who has ceased actively to seek election to the office of President or to the office of Vice President in more than one State.

Section 307(a)(2) amended section 9003 of the Internal Revenue Code of 1954 by adding a new subsection (d). Subsection (d) provides that, in any case in which an individual ceases to be a candidate for the office of President or Vice President as a result of the operation of the last sentence of section 9002(2) of the Internal Revenue Code of 1954 (which is added by the amendment made by section 307(a)(1) of the House amendment), such individual (1) shall no longer be eligible to receive any Federal payments; and (2) shall pay to the Secretary of the Treasury, as soon as practicable after the date upon which the individual ceases to be a candidate, an amount equal to the amount of payments received by the individual which are not used to defray qualified campaign expenses.

Section 307(b) made amendments to section 9032(2) of the Internal Revenue Code of 1954 and to section 9033 of such Code which are substantially similar to the amendments made by section 307(a). The amendments made by section 307(b) relate to the receipt of Federal matching payments in presidential primary elections.

Conference substitute

The conference substitute includes both the provisions of the House amendment and the Senate bill. The conference substitute provides that an individual who has ceased to be an active candidate, or an individual who is ineligible to receive payments because he has failed to receive at least 10 percent of the votes cast in 2 consecutive primaries, may continue to receive Federal payments only in order to defray qualified campaign expenses which were incurred while such individual was a candidate.

The conference substitute also provides that an individual who becomes ineligible to receive matching payments under section 9033(c)(1)(A) of the Internal Revenue Code of 1954, as added by the conference substitute, subsequently may reestablish his eligibility to receive such payments. The Commission is given authority to determine that any such individual is a candidate upon a finding that such individual is actively seeking election to the office of President of the United States in more than one State. The Commission is required to make such determination without requiring such individual to resubmit written agreements under section 9033(a) of the Internal Revenue Code of 1954.

The conferees agree that the provision of the conference substitute relating to the ineligibility of inactive candidates to receive matching payments is intended to provide that a candidate will remain eligible for such payments only so long as he maintains a good faith, multistate campaign for nomination for election, or for election, to the office of President. A candidate should not be considered to be actively seeking nomination or election if he curtails his campaign activities to such an extent that it is reasonable to conclude that he no longer intends to engage in activity necessary to secure the nomination or win the election involved.

Technical and Conforming Amendments

The Senate bill and the House amendment made various technical and conforming amendments to the Internal Revenue Code of 1954. The conference substitute incorporates these technical and conforming amendments.

OTHER PROVISIONS

Commission To Study Presidential Nominating Process

Senate bill

The Senate bill established a Bicentennial Commission on Presidential Nominations to review the manner in which presidential primary elections are conducted, and to report to the Congress its findings.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the House amendment, resulting in no change in existing law.

Financial Disclosure of Federal Officers and Employees

Senate bill

The Senate bill provided that any Federal officer or employee receiving compensation at a gross annual rate exceeding $25,000, and any candidate for Federal office, must file financial disclosure reports to the Comptroller General of the United States. The Senate bill provided that the financial disclosure statement must include (1) an indication of the net worth of the person making the filing; (2) a statement of the assets and liabilities of such person; and (3) a statement of income identifying each source of income (or a copy of such person's Federal income tax statement).

House amendment

No provision.

Conference substitute

The conference substitute is the same as the House amendment, resulting in no change in existing law.

Wayne L. Hays,
John H. Dent,
John Brademas,
Dawson Mathis,
Mendel J. Davis,
Charles E. Wiggins,
Managers on the Part of the House.

Howard W. Cannon,
Claiborne Pell,
Robert C. Byrd,
Hugh Scott,
Mark O. Hatfield,
Managers on the Part of the Senate.

○

(2) In carrying out the provisions of article VI of Supplementary Agreement Number Seven (relating to modernizing, semi-automating, and maintaining the aircraft control and warning network in Spain), the United States contribution of not to exceed $50,000,000 shall be financed from Department of Defense appropriations and shall not be subject to provisions of law applicable to foreign assistance and military sales programs of the United States.

(c) Ths joint resolution satisfies the requirements of section 7307 of title 10 of the United States Code with respect to the transfer of naval vessels pursuant to Supplementary Agreement Number Seven.

SEC. 3. In carrying out the provisions of article X of Supplementary Agreement Number Seven (relating to lease and purchase of aircraft), the President is authorized to apply the proceeds from the lease of aircraft to Spain under that article to the purchase of aircraft for the purposes of that article without regard to the provisions of section 2667 of title 10 of the United States Code or any comparable provisions of law.

SEC. 4. The authorties contained in this joint resolution shall become effective only upon ratification of the Treaty of Friendship and Cooperation described in the first section and shall continue in effect only so long as that treaty remains in force.

EMERGENCY JOBS PROGRAMS STOPGAP EXTENSION

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, H.R. 12987, the emergency jobs programs stopgap extension bill, will shortly come before the House of Representatives. The bill will extend the authorization for title VI of the Comprehensive Employment and Training Act—CETA—through September 30, 1976.

I want to point out to my colleagues that the recently enacted emergency appropriations measure, Public Law 94-266, appropriates funds for title II areas under CETA. This appropriation is not applicable to title VI areas which do not also meet the qualifications of title II. Title II areas are defined in the CETA statute as areas which have unemployment rates equal to or in excess of 6.5 percent for 3 consecutive months. Therefore, 15 prime sponsors—States, counties, and cities—which are exclusively title VI areas, are not eligible for funds under the emergency appropriations measure.

Further, 109 prime sponsors, or 25 percent of all CETA prime sponsors contain some areas which do not qualify for title II assistance. This means that those ineligible areas are, or shortly will be, running out of funds for public service jobs.

I call my colleagues' attention to the following list of 109 prime sponsor areas who have public service jobholders under CETA title VI who do not reside in title II substantial unemployment areas and therefore would not be eligible to continue in public service employment under title II.

Areas marked with an asterisk are totally title VI areas and are completely ineligible for title II funds:

NEW JERSEY
Morris County.
Mercer County.
Somerset County.

NEW YORK
Nassau County Consortium.
Dutchess County.
Monroe/Rochester.
Onondaga County.

MARYLAND
Montgomery County.*
Prince Georges County.

PENNSYLVANIA
Susquehanna Consortium.
Chester County.
Montgomery County.
Berks County.
Franklin County.

VIRGINIA
Richmond area.
Henrico County Consortium.*
Arlington County.
Fairfax County.*
Prince William County.
Alexandria City.*

ALABAMA
Birmingham Consortium.
Mobile Consortium.
Montgomery Consortium.
Tuscaloosa County.

KENTUCKY
Louisville Consortium.
The Blue Grass Manpower Consortium.

MISSISSIPPI
Jackson Consortium.

NORTH CAROLINA
Wake County.*
Durham Consortium.

TENNESSEE
Balance of Hamilton County.
Nashville/Davison.
Sullivan County.*
Knoxville Consortium.
Memphis Consortium.

CHICAGO
Cook County.
Du Page County.
Kane County.
Rock Island County.
Tazewell County.
Champaigne County Consortium.
Sangamon County Consortium.
Peoria Consortium.
McLean County.

INDIANA
Hammond.
Lake County.
Tippecanoe County.
Vigo County.

MINNESOTA
Dakota County.
Ramsey County.
Balance of Minnesota.

OHIO
Hamilton County.
Columbus Consortium.
Greene County.

WISCONSIN
Outagamie County.
Madison-Dane Consortium.
Wow Consortium (Waukesha County, Ozaukee County, Washington County).
Winne-Fond Consortium.
Trico Cetac.

LOUISIANA
Baton Rouge.
Lafayette Parish.
Jefferson Parish.

OKLAHOMA
Comanche County.
Oklahoma County.*
Oklahoma City Consortium.
Tulsa Consortium.
Balance of Oklahoma.

TEXAS
The Panhandle Consortium.
The Capital Area Consortium.*
Coastal Bend Consortium.
Dallas City.
Dallas County.*
Fort Worth Consortium.
Tarrant County.
Galveston County.*
Houston.
Harris County.*
Central Texas Consortium.
North Texas Planning Consortium.*
Balance of Texas.
Brazoria County Consortium.*

IOWA
The Central Iowa Consortium.
Linn County Consortium.
Blackhawk County.
Woodbury County.
Scott County.
Balance of Iowa.

KANSAS
Topeka.
Johnson County Consortium.*
Wichita City.
Balance of Kansas.

MISSOURI
Independence.
St. Louis County.
Balance of Missouri.

NEBRASKA
Lincoln City.
Balance of Nebraska.

COLORADO
Arapahoe County.
Jefferson County.
Colorado Springs Consortium.
Denver City/County.
Balance Adams County.
Boulder City.
Pueblo County.
Balance of Colorado.
Larimer County.
Weld County.

NORTH DAKOTA
Balance of North Dakota.

SOUTH DAKOTA
Balance of South Dakota.

WYOMING
Balance of Wyoming.

CALIFORNIA
San Mateo County.

CONFERENCE REPORT ON S. 3065

Mr. HAYS of Ohio submitted the following conference report and statement on the bill (S. 3065) to amend the Federal Election Campaign Act of 1971 to provide for its administration by a Federal Election Commission appointed in accordance with the requirements of the Constitution, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 1057)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3065) to amend the Federal Election Campaign Act of 1971 to provide for its administration by a Federal Election Commission appointed in accordance with the requirements of the Constitution, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to

the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

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

TITLE I—AMENDMENTS TO FEDERAL ELECTION CAMPAIGN ACT OF 1971

FEDERAL ELECTION COMMISSION MEMBERSHIP

SEC. 101. (a)(1) The second sentence of section 309(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(a)(1)), as redesignated by section 105 (hereinafter in this Act referred to as the "Act"), is amended to read as follows: "The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives, ex officio and without the right to vote, and 6 members appointed by the President of the United States, by and with the advice and consent of the Senate.".

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

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

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

"(i) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1977;

"(ii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1979; and

"(iii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1981.

"(B) A member of the Commission may serve on the Commission after the expiration of his term until his successor has taken office as a member of the Commission.

"(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he succeeds.

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

(c)(1) Section 309(a)(3) of the Act (2 U.S.C. 437c(a)(3)), as redesignated by section 105, is amended by adding at the end thereof the following new sentences: "Members of the Commission shall not engage in any other business, vocation, or employment. Any individual who is engaging in any other business, vocation, or employment at the time such individual begins to serve as a member of the Commission shall terminate or liquidate such activity no later than 1 year after beginning to serve as such a member.".

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

"(b)(1) The Commission shall administer, seek to obtain compliance with, and formulate policy with respect to, this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954. The Commission shall have exclusive primary jurisdiction with respect to the civil enforcement of such provisions.

"(2) Nothing in this Act shall be construed to limit, restrict, or diminish any investigatory, informational, oversight, supervisory, or disciplinary authority or function of the Congress or any committee of the Congress with respect to elections for Federal office.".

(2) The first sentence of section 309(c) of the Act (2 U.S.C. 437c(c)), as redesignated by section 105, is amended by inserting immediately before the period at the end thereof the following: ", except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to establish guidelines for compliance with the provisions of this Act or with chapter 95 or chapter 96 of the Internal Revenue Code of 1954, or for the Commission to take any action in accordance with paragraph (6), (7), (8), or (10) of section 310(a)".

(d) The last sentence of section 309(f)(1) of the Act (2 U.S.C. 437c(f)(1)), as redesignated by section 105, is amended by inserting immediately before the period the following: "without regard to the provisions of title 5, United States Code, governing appointments in the competitive service".

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

(2) The first appointments made by the President under section 309(a) of the Act (2 U.S.C. 437c(a)), as redesignated by section 105 and as amended by this section, shall not be considered to be appointments to fill the unexpired terms of members serving on the Federal Election Commission on the date of the enactment of this Act.

(3) Members serving on the Federal Election Commission on the date of the enactment of this Act may continue to serve as such members until new members are appointed and qualified under section 309(a) of the Act (2 U.S.C. 437c(a)), as redesignated by section 105 and as amended by this section, except that until appointed and qualified under this Act, members serving on such Commission on such date of enactment may, beginning on March 23, 1976, exercise only such powers and functions as may be consistent with the determinations of the Supreme Court of the United States in Buckley et al. against Valeo, Secretary of the United States Senate, et al. (numbered 75-436, 75-437) January 30, 1976.

(f) The provisions of section 309(a)(3) of the Act (2 U.S.C. 437c(3)), as redesignated by section 105, which prohibit any individual from being appointed as a member of the Federal Election Commission who is, at the time of his appointment, an elected or appointed officer or employee of the executive, legislative or judicial branch of the Federal Government, shall not apply in the case of any individual serving as a member of such Commission on the date of the enactment of this Act.

(g)(1) All personnel, liabilities, contracts, property, and records determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with the functions of the Federal Election Commission under title III of the Act as such title existed on January 1, 1976, or under any other provision of law, are transferred to such Commission as constituted under the amendments made by this Act to the Federal Election Campaign Act of 1971.

(2)(A) Except as provided in subparagraph (B), personnel engaged in functions transferred under paragraph (1) shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions.

(B) The transfer of personnel pursuant to paragraph (1) shall be without reduction in classification or compensation for 1 year after such transfer.

(3) All laws relating to the functions transferred under this Act shall, insofar as such laws are applicable and not amended by this Act, remain in full force and effect. All orders, determinations, rules, and opinions made, issued, or granted by the Federal Election Commission before its reconstitution under the amendments made by this Act which are in effect at the time of the transfer provided by paragraph (1), and which are consistent with the amendments made by this Act, shall continue in effect to the same extent as if such transfer had not occurred. Any rule or regulation proposed by such Commission before the date of the enactment of this Act shall be prescribed by such Commission only if, after such date of enactment, the rule or regulation is submitted to the Senate or the House of Representatives, as the case may be, in accordance with the provisions of section 315(c) of the Act (as redesignated by section 105), and it is not disapproved by the appropriate House of the Congress.

(4) The provisions of this Act shall not affect any proceeding pending before the Federal Election Commission on the date of the enactment of this Act.

(5) No suit, action, or other proceeding commenced by or against the Federal Election Commission or any officer or employee thereof acting in his official capacity shall abate by reason of the transfer made under paragraph (1). The court before which such suit, action, or other proceeding is pending may, on motion or supplemental petition filed at any time within 12 months after the date of the enactment of this Act, allow such suit, action, or other proceeding to be maintained against the Federal Election Commission if the party making the motion or filing the petition shows a necessity for the survival of the suit, action, or other proceeding to obtain a settlement of the question involved.

(6) Any reference in any other Federal law to the Federal Election Commission, or to any member or employee thereof, as such Commission existed under the Federal Election Campaign Act of 1971 before its amendment by this Act shall be held and considered to refer to the Federal Election Commission, or the members or employees thereof, as such Commission exists under the Federal Election Campaign Act of 1971 as amended by this Act.

CHANGES IN DEFINITIONS

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

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

(c) Section 301(e)(4) of the Act (2 U.S.C. 431(e)(4)) is amended by inserting after "purpose" the following: ", except that this paragraph shall not apply in the case of legal or accounting services rendered to or on behalf of the national committee of a political party (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), other than services attributable to activities which directly further the election of a designated candidate or candidates to Federal office, nor shall this paragraph apply in the case of legal or accounting services rendered to or on behalf of a candidate or political committee solely for the purpose of ensuring compliance with the provisions of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954 (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), but amounts paid or incurred for such legal or accounting services shall be reported in accordance with the requirements of section 304(b)".

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

(1) by striking out "or" at the end of clause (E); and

(2) by inserting after clause (F) the following new clauses:

"(G) a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business, but such loans—

"(i) shall be reported in accordance with the requirements of section 304(b); and

"(ii) shall be considered a loan by each endorser or grantor, in that proportion of the unpaid balance thereof that each endorser or guarantor bears to the total number of endorsers or guarantors;

"(H) a gift, subscription, loan, advance, or deposit of money or anything of value to a national committee of a political party or a State committee of a political party which is specifically designated for the purpose of defraying any cost incurred with respect to the construction or purchase of any office facility which is not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office, except that any such gift, subscription, loan, advance, or deposit of money or anything of value, and any such cost, shall be reported in accordance with section 304(b); or

"(I) any honorarium (within the meaning of section 328);".

(e) Section 301(e)(5) of the Act (2 U.S.C. 431(e)(5)), as amended by subsection (d), is amended by striking out "individual" where it appears after clause (I) and inserting in lieu thereof "person".

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

(1) by inserting before the semicolon in clause (C) the following: ", except that the costs incurred by a membership organization, including a labor organization, or by a corporation, directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate) shall, if those costs exceed $2,000 per election, be reported to the Commission";

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

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

"(I) any costs incurred by a candidate in connection with the solicitation of contributions by such candidate, except that this clause shall not apply with respect to costs incurred by a candidate in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 320(b), but all such costs shall be reported in accordance with section 304(b);

"(J) the payment, by any person other than a candidate or political committee, of compensation for legal or accounting services rendered to or on behalf of the national committee of a political party (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), other than services attributable to activities which directly further the election of a designated candidate or candidates to Federal office, or the payment for legal or accounting services rendered to or on behalf of a candidate or political committee solely for the purpose of ensuring compliance with the provisions of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), but amounts paid or incurred for such legal or accounting services shall be reported under section 304(b); or

"(K) a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business, but such loan shall be reported in accordance with section 304(b);".

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

(1) by striking out "and" at the end of paragraph (m);

(2) by striking out the period at the end of paragraph (n) and inserting in lieu thereof a semicolon; and

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

"(o) 'Act' means the Federal Election Campaign Act of 1971 as amended by the Federal Election Campaign Act Amendments of 1974 and the Federal Election Campaign Act Amendments of 1976;

"(p) 'independent expenditure' means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate or any authorized committee or agent of such candidate and which is not made in concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

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

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 103. (a) Section 302(b) of the Act (2 U.S.C. 432(b)) is amended by striking out "$10" and inserting in lieu thereof "$50".

(b) Section 302(c)(2) of the Act (2 U.S.C. 432(c)(2)) is amended by striking out "$10" and inserting in lieu thereof "$50".

(c) Section 302 of the Act (2 U.S.C. 432) is amended by striking out subsection (e) and by redesignating subsection (f) as subsection (e).

(d) Section 302(e)(1) of the Act, as redesignated by subsection (c), 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.".

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 104. (a) Section 304(a)(1) of the Act (2 U.S.C. 434(a)(1)) is amended by adding at the end of subparagraph (C) the following new sentence: "In any year in which a candidate is not on the ballot for election to Federal office such candidate and his authorized committees shall only be required to file such reports not later than the tenth day following the close of any calendar quarter in which the candidate and his authorized committees received contributions or made expenditures, or both, the total amount of which, taken together, exceed $5,000, and such reports shall be complete as of the close of such calendar quarter; except that any such report required to be filed after December 31 of any calendar year with respect to which a report is required to be filed under subparagraph (B) shall be filed as provided in such subparagraph.".

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

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

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

(1) by striking out "and" at the end of paragraph (12);

(2) by redesignating paragraph (13) as paragraph (14);

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

"(13) in the case of an independent expenditure in excess of $100 by a political committee, other than an authorized committee of a candidate, expressly advocating the election or defeat of a clearly identified candidate, through a separate schedule (A) any information required by paragraph (9), stated in a manner which indicates whether the independent expenditure involved is in support of, or in opposition to, a candidate; and (B) under penalty of perjury, a certification whether such independent expenditure is made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and"; and

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

"When committee treasurers and candidates show that best efforts have been used to obtain and submit the information required by this subsection, they shall be deemed to be in compliance with this subsection.".

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

"(e)(1) Every person (other than a political committee or candidate) who makes contributions or independent expenditures expressly advocating the election or defeat of a clearly identified candidate, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 during a calendar year shall file with the Commission, on a form prepared by the Commission, a statement containing the information required of a person who makes a contribution in excess of $100 to a candidate or political committee and the information required of a candidate or political committee receiving such a contribution.

"(2) Statements required by this subsection shall be filed on the dates on which reports by political committees are filed. Such statements shall include (A) the information required by subsection (b)(9), stated in a manner indicating whether the contribution or independent expenditure is in support of, or opposition to, the candidate; and (B) under penalty of perjury, a certification whether such independent expenditure is made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate. Any independent expenditure, including those described in subsection (b)(13), of $1,000 or more made after the fifteenth day, but more than 24 hours, before any election shall be reported within 24 hours of such independent expenditure.

"(3) The Commission shall be responsible for expeditiously preparing indices which set forth, on a candidate-by-candidate basis, all expenditures separately, including those reported under subsection (b)(13), made with respect to each candidate, as reported under this subsection, and for periodically issuing such indices on a timely pre-election basis.".

REPORTS BY CERTAIN PERSONS

SEC. 105. Title III of the Act (2 U.S.C. 431 et seq.) is amended by striking out section 308 thereof (2 U.S.C. 437a) and by redesignating section 309 through section 321 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 redesignated by section 105, is amended by striking out "a checking account" and inserting in lieu thereof the following: "a single checking account and such other accounts as the committee determines to maintain at its discretion".

POWERS OF COMMISSION

SEC. 107. (a) Section 310(a) of the Act (2 U.S.C. 437d(a)), as 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"; 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 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 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 and section 312(b) of the Act (2 U.S.C. 437f(a), 437f(b)), as redesignated by section 105, are amended to read as follows:

"SEC. 312. (a) The Commission shall render an advisory opinion, in writing, within a reasonable time in response to a written request by any individual holding Federal office, any candidate for Federal office, any political committee, or the national committee of any political party concerning the application of a general rule of law stated in the Act as chapter 95 or chapter 96 of the Internal Revenue Code of 1954, or a general rule of law prescribed as a rule or regulation by the Commission, to a specific factual situation. Any such general rule of law not stated in the Act or in chapter 95 or chapter 96 of the Internal Revenue Code of 1954 may be initially proposed by the Commission only as a rule or regulation pursuant to the procedures established by section 315(c). No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.

"(b)(1) Notwithstanding any other provision of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraph (2) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

"(2) Any advisory opinion rendered by the Commission under subsection (a) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.".

(b) The Commission shall, no later than 90 days after the date of the enactment of this Act, conform the advisory opinions issued before such date of enactment to the requirements established by section 312 (a) of the Act, as amended by subsection (a) of this section. The provisions of section 312(b) of the Act, as amended by subsection (a) of this section, shall apply with respect to all advisory opinions issued before the date of the enactment of this Act as conformed to meet the requirements of section 312(a) of the Act, as amended by subsection (a) of this section.

ENFORCEMENT

SEC. 109. Section 313 of the Act (2 U.S.C. 437g), as redesignated by section 105, is amended to read as follows:

"ENFORCEMENT

"SEC. 313. (a)(1) Any person who believes a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has occurred may file a complaint with the Commission. Such complaint shall be in writing, shall be signed and sworn to by the person filing such complaint, and shall be notarized. Any person filing such a complaint shall be subject to the provisions of section 1001 of title 18, United States Code. The Commission may not conduct any investigation under this section, or take any other action under this section, solely on the basis of a complaint of a person whose identity is not disclosed to the Commission.

"(2) The Commission, upon receiving a complaint under paragraph (1), and if it has reason to believe that any person has committed a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, or, if the Commission, on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, has reason to believe that such a violation has occurred, shall notify the person involved of such alleged violation and shall make an investigation of such alleged violation in accordance with the provisions of this section.

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

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

"(4) The Commission shall afford any person who receives notice of an alleged violation under paragraph (2) a reasonable opportunity to demonstrate that no action should be taken against such person by the Commission under this Act.

"(5)(A) If the Commission determines that there is reasonable cause to believe that any person has committed or is about to commit a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission shall make every endeavor for a period of not less than 30 days to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with the person involved, except that, if the Commission has reasonable cause to believe that—

"(i) any person has failed to file a report required to be filed under section 304(a)(1)(C) for the calendar quarter occurring immediately before the date of a general election;

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

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

the Commission shall make every effort, for a period of not less than one-half the number of days between the date upon which the Commission determines there is reasonable cause to believe such a violation has occurred and the date of the election involved, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with the person involved. A conciliation agreement, unless violated, shall constitute a complete bar to any further action by the Commission, including the bringing of a civil proceeding under subparagraph (B).

"(B) If the Commission is unable to correct or prevent any such violation by such informal methods, the Commission may, if the Commission determines there is probable cause to believe that a violation has occurred or is about to occur, institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order, including a civil penalty which does not exceed the greater of $5,000 or an amount equal to the amount of any contribution or expenditure involved in such violation, in the district court of the United States for the district in which the person against whom such action is brought is found, resides, or transacts business.

"(C) In any civil action instituted by the Commission under subparagraph (B), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty which does not exceed the greater of $5,000 or an amount equal to the amount of any contribution or expenditure involved in such violation, upon a proper showing that the person involved has engaged or is about to engage in a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

"(D) If the Commission determines that there is probably cause to believe that a knowing and willful violation subject to and as defined in section 329, or a knowing and willful violation of a provision of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has occurred or is about to occur, it may refer such apparent violation to the Attorney General of the United States without regard to any limitation set forth in subparagraph (A).

"(6)(A) If the Commission believes that there is clear and convincing proof that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, has been committed, a conciliation agreement entered into by the Commission under paragraph (5)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which shall not exceed the greater of (i) $10,000; or (ii) an amount equal to 200 percent of the amount of any contribution or expenditure involved in such violation.

"(B) If the Commission believes that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has been committed, a conciliation agreement entered into by the Commission under paragraph (5)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of (i) $5,000; or (ii) an amount equal to the amount of the contribution or expendiure involved in such violation.

"(C) The Commission shall make available to the public (i) the results of any conciliation attempt, including any conciliation agreement entered into by the Commission; and (ii) any determination by the Commission that no violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has occurred.

(7) In any civil action for relief instituted by the Commission under paragraph (5), if the court determines that the Commission

has established through clear and convincing proof that the person involved in such civil action has committed a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the court may impose a civil penalty of not more than the greater of (A) $10,000; or (B) an amount equal to 200 percent of the contribution or expenditure involved in such violation. In any case in which such person has entered into a conciliation agreement with the Commission under paragraph (5)(A), the Commission may institute a civil action for relief under paragraph (5) if it believes that such person has violated any provision of such conciliation agreement. In order for the Commission to obtain relief in any such civil action, it shall be sufficient for the Commission to establish that such person has violated, in whole or in part, any requirement of such conciliation agreement.

"(8) In any action brought under paragraph (5) or paragraph (7), subpenas for witnesses who are required to attend a United States district court may run into any other district.

"(9) (A) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party under paragraph (1), or by a failure on the part of the Commission to act on such complaint in accordance with the provisions of this section within 90 days after the filing of such complaint, may file a petition with the United States District Court for the District of Columbia.

"(B) The filing of any petition under subparagraph (A) shall be made—

"(i) in the case of the dismissal of a complaint by the Commission, no later than 60 days after such dismissal; or

"(ii) in the case of a failure on the part of the Commission to act on such complaint, no later than 60 days after the 90-day period specified in subparagraph (A).

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

"(10) The judgment of the district court may be appealed to the court of appeals and the judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

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

"(12) If the Commission determines after an investigation that any person has violated an order of the court entered in a proceeding brought under paragraph (5) it may petition the court for an order to adjudicate such person in civil contempt, except that if it believes the violation to be knowing and willful it may petition the court for an order to adjudicate such person in criminal contempt.

"(b) In any case in which the Commission refers an apparent violation to the Attorney General, the Attorney General shall respond by report to the Commission with respect to any action taken by the Attorney General regarding such apparent violation. Each report shall be transmitted no later than 60 days after the date the Commission refers any apparent violation, and at the close of every 30-day period thereafter until there is final disposition of such apparent violation. The Commission may from time to time prepare and publish reports on the status of such referrals.

"(c) Any member of the Commission, any employee of the Commission, or any other person who violates the provisions of subsection (a)(3)(B) shall be fined not more than $2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subsection (a)(3)(B) shall be fined not more than $5,000.".

DUTIES OF COMMISSION

SEC. 110. (a)(1) Section 315(a)(6) of the Act (2 U.S.C. 438(a)(6)), as redesignated by section 105, is amended by inserting immediately before the semicolon at the end thereof the following: ", and to compile and maintain a separate cumulative index of reports and statements filed with it by political committees supporting more than one candidate, which shall include a listing of the date of the registration of any such political committee and the date upon which any such political committee qualifies to make expenditures under section 320(a)(2), and which shall be revised on the same basis and at the same time as the other cumulative indices required under this paragraph".

(2) Section 315(a)(8) of the Act (2 U.S.C. 438(a)(8)), as redesignated by section 105, is amended by inserting immediately before the semicolon at the end thereof the following: ", and to give priority to auditing and field investigating of the verification for, and the receipt and use of, any payments received by a candidate under chapter 95 or chapter 96 of the Internal Revenue Code of 1954".

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

(1) by inserting immediately after the second sentence of paragraph (2) the following new sentences: "Whenever a committee of the House of Representatives reports any resolution relating to any such rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to."; and

(2) by adding the following new paragraph at the end thereof:

"(5) for purposes of this subsection, the term 'rule or regulation' means a provision or series of interrelated provisions stating a single separable rule of law.".

ADDITIONAL ENFORCEMENT AUTHORITY

SEC. 111. Section 407 of the Act (2 U.S.C. 456) is repealed.

CONTRIBUTION AND EXPENDITURE LIMITATIONS; OTHER LIMITATIONS

SEC. 112. Title III of the Act (2 U.S.C. 431-441) is amended—

(1) by striking out section 320 (2 U.S.C. 441), as redesignated by section 105; and

(2) by inserting immediately after section 319 (2 U.S.C. 439c), as redesignated by section 105, the following new sections:

"LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES

"SEC. 320. (a)(1) No person shall make contributions—

"(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000;

"(B) to the political committees established and maintained by a national political party, which are not the authoriezd political committees of any candidate, in any calendar year which, in the aggregate, exceed $20,000; or

"(C) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

"(2) No multicandidate political committee shall make contributions—

"(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceeds $5,000;

"(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $15,000; or

"(C) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

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

"(4) The limitations on contributions contained in paragraphs (1) and (2) do not apply to transfers between and among political committees which are national, State, district, or local committees (including any subordinate committee thereof) of the same political party. For purposes of paragraph (2), the term 'multicandidate political committee' means a political committee which has been registered under section 303 for a period of not less than 6 months, which has received contributions from more than 50 persons, and, except for any State political party organization, has made contributions to 5 or more candidates for Federal office.

"(5) For purposes of the limitations provided by paragraph (1) and paragraph (2), all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons, shall be considered to have been made by a single political committee, except that (A) nothing in this sentence shall limit transfers between political committees of funds raised through joint fundraising efforts; (B) for purposes of the limitations provided by paragraph (1) and paragraph (2), all contributions made by a single political committee established or financed or maintained or controlled by a national committee of a political party and by a single political committee established or financed or maintained or controlled by a State committee of a political party shall not be considered to have been made by a single political committee; and (C) nothing in this section shall limit the transfer of funds between the principal campaign committee of a candidate seeking nomination or election to a Federal office and the principal campaign committee of that candidate for nomination or election to another Federal office if (i) such transfer is not made when the candidate is actively seeking nomination or election to both such offices; (ii) the limitations contained in this Act on contributions by persons are not exceeded by such transfer; and (iii) the candidate has not elected to receive any funds under chapter 95 or chapter 96 of the Internal Revenue Code of 1954. In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish or finance or maintain or control more than one separate segregated fund, all such separate segregated funds shall be treated as a single

separate segregated fund for purposes of the limitations provided by paragraph (1) and paragraph (2).

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

"(7) For purposes of this subsection—

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

"(B)(i) expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate;

"(ii) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents shall be considered to be an expenditure for purposes of this paragraph; and

"(C) contributions made to or for the benefit of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be contributions made to or for the benefit of the candidate of such party for election to the office of President of the United States.

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

"(b)(1) No candidate for the office of President of the United States who is eligible under section 9003 of the Internal Revenue Code of 1954 (relating to condition for eligibility for payments) or under section 9033 of the Internal Revenue Code of 1954 (relating to eligibility for payments) to receive payments from the Secretary of the Treasury may make expenditures in excess of—

"(A) $10,000,000, in the case of a campaign for nomination for election to such office, except the aggregate of expenditures under this subparagraph in any one State shall not exceed the greater of 16 cents multiplied by the voting age population of the State (as certified under subsection (e)), or $200,000; or

"(B) $20,000,000 in the case of a campaign for election to such office.

"(2) For purposes of this subsection—

"(A) expenditures made by or on behalf of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be expenditures made by or on behalf of the candidate of such party for election to the office of President of the United States; and

"(B) an expenditure is made on behalf of a candidate, including a vice presidential candidate, if it is made by—

"(i) an authorized committee or any other agent of the candidate for purposes of making any expenditure; or

"(ii) any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate, to make the expenditure.

"(c)(1) At the beginning of each calendar year (commencing in 1976), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Commission and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each limitation established by subsection (b) and subsection (d) shall be increased by such percent difference. Each amount so increased shall be the amount in effect for such calendar year.

"(2) For purposes of paragraph (1)—

"(A) the term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

"(B) the term 'base period' means the calendar year 1974.

"(d)(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee of a political party and a State committee of a political party, including any subordinate committee of a State committee, may make expenditures in connection with the general election campaign of candidates for Federal office, subject to the limitations contained in paragraphs (2) and (3) of this subsection.

"(2) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds an amount equal to 2 cents multiplied by the voting age population of the United States (as certified under subsection (e)). Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.

"(3) The national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, may not make any expenditure in connection with the general election campaign of a candidate for Federal office in a State who is affiliated with such party which exceeds—

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

"(i) 2 cents multiplied by the voting age population of the State (as certified under subsection (e)); or

"(ii) $20,000; and

"(B) in the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other State, $10,000.

"(e) During the first week of January 1975, and every subsequent year, the Secretary of Commerce shall certify to the Commission and publish in the Federal Register an estimate of the voting age population of the United States, of each State, and of each congressional district as of the first day of July next preceding the date of certification. The term 'voting age population' means resident population, 18 years of age or older.

"(f) No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this section.

"(g) The Commission shall prescribe rules under which any expenditure by a candidate for presidential nomination for use in 2 or more States shall be attributed to such candidate's expenditure limitation in each such State, based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.

"(h) Notwithstanding any other provision of this Act, amounts totaling not more than $17,500 may be contributed to a candidate for nomination for election, or for election, to the United States Senate during the year in which an election is held in which he is such a candidate, by the Republican or Democratic Senatorial Campaign Committee, or the national committee of a political party, or any combination of such committees.

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

"SEC. 321. (a) It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation or any national bank or any officer of any labor organization to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section.

"(b)(1) For purposes of this section the term 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

"(2) For purposes of this section and section 12(h) of the Public Utility Holding Company Act (15 U.S.C. 79l(h)), the term 'contribution or expenditure' shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section, but shall not include (A) communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject; (B) nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families; and (C) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.

"(3) It shall be unlawful—

"(A) for such a fund to make a contribution or expenditure by utilizing money or

anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by moneys obtained in any commericial transaction;

"(B) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation; and

"(C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal.

"(4)(A) Except as provided in subparagraphs (B), (C), and (D), it shall be unlawful—

"(i) for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund from any person other than its stockholders and their families and its executive or administrative personnel and their families, and

"(ii) for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families.

"(B) It shall not be unlawful under this section for a corporation, a labor organization, or a separate segregated fund established by such corporation or such labor organization, to make 2 written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel, or employee of a corporation or the families of such persons. A solicitation under this subparagraph may be made only by mail addressed to stockholders, executive or administrative personnel, or employees at their residence and shall be so designed that the corporation, labor organization, or separate segregated fund conducting such solicitation cannot determine who makes a contribution of $50 or less as a result of such solicitation and who does not make such a contribution.

"(C) This paragraph shall not prevent a membership organization, cooperative, or corporation without capital stock, or a separate segregated fund established by a membership organization, cooperative, or corporation without capital stock, from soliciting contributions to such a fund from members of such organization, cooperative, or corporation without capital stock.

"(D) This paragraph shall not prevent a trade association or a separate segregated fund established by a trade association from soliciting contributions from the stockholders and executive or administrative personnel of the member corporations of such trade association and the families of such stockholders or personnel to the extent that such solicitation of such stockholders and personnel, and their families, has been separately and specifically approved by the member corporation involved, and such member corporation does not approve any such solicitation by more than one such trade association in any calendar year.

"(5) Notwithstanding any other law, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members.

"(6) Any corporation, including its subsidiaries, branches, divisions, and affiliates, that utilizes a method of soliciting voluntary contributions or facilitating the making of voluntary contributions, shall make available such method, on written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby, to a labor organization representing any members working for such corporation, its subsidiaries, branches, divisions, and affiliates.

"(7) For purposes of this section, the term 'executive or administrative personnel' means individuals employed by a corporation who are paid on a salary, rather than hourly, basis and who have policymaking, managerial, professional, or supervisory responsibilities.

"CONTRIBUTIONS BY GOVERNMENT CONTRACTORS

"SEC. 322. (a) It shall be unlawful for any person—

"(1) who enters into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (A) the completion of performance under; or (B) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(2) knowingly to solicit any such contribution from any such person for any such purpose during any such period.

"(b) This section does not prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, any separate segregated fund by any corporation, labor organization, membership organization, cooperative, or corporation without capital stock for the purpose of influencing the nomination for election, or election, of any person to Federal office, unless the provisions of section 321 prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, such fund. Each specific prohibition, allowance, and duty applicable to a corporation, labor organization, or separate segregated fund under section 321 applies to a corporation, labor organization, or separate segregated fund to which this subsection applies.

"(c) For purposes of this section, the term 'labor organization' has the meaning given it by sction 321(b)(1).

"PUBLICATION OR DISTRIBUTION OF POLITICAL STATEMENTS

"SEC. 323. Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication—

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

"(2) if not authorized by a candidate, his authorized political committees, or their agents, shall clearly and conspicuously, in accordance with regulations prescribed by the Commission, state that the communication is not authorized by any candidate, and state the name of the person who made or financed the expenditure for the communication, including, in the case of a political committee, the name of any affiliated or connected organization required to be disclosed under section 303(b)(2).

"CONTRIBUTIONS BY FOREIGN NATIONALS

"SEC. 324. (a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

"(b) As used in this section, the term 'foreign national' means—

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

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

"PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

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

"LIMITATION ON CONTRIBUTION OF CURRENCY

"SEC. 326. No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed $100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office.

"FRAUDULENT MISREPRESENTATION OF CAMPAIGN AUTHORITY

"SEC. 327. No person who is a candidate for Federal office or an employee or agent of such a candidate shall—

"(1) fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

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

"ACCEPTANCE OF EXCESSIVE HONORARIUMS

"SEC. 328. No person while an elected or appointed officer or employee of any branch of the Federal Government shall accept—

"(1) any honorarium of more than $2,000 (excluding amounts accepted for actual travel and subsistence expenses for such person and his spouse or an aide to such person, and excluding amounts paid or incurred for any agents' fees or commissions) for any appearance, speech, or article; or

"(2) honorariums (not prohibited by paragraph (1) of this section) aggregating more than $25,000 in any calendar year.

"PENALTY FOR VIOLATIONS

"SEC. 329. (a) Any person, following the date of the enactment of this section, who knowingly and willfully commits a violation of any provision or provisions of this Act which involves the making, receiving, or reporting of any contribution or expenditure having a value in the aggregate of $1,000 or more during a calendar year shall be fined in an amount which does not exceed the greater of $25,000 or 300 percent of the amount of any contribution or expenditure involved in

such violation, imprisoned for not more than 1 year, or both. In the case of a knowing and willful violation of section 321(b)(3), including such a violation of the provisions of such section as applicable through section 322(b), of section 325, or of section 326, the penalties set forth in this section shall apply to a violation involving an amount having a value in the aggregate of $250 or more during a calendar year. In the case of a knowing and willful violation of section 327, the penalties set forth in this section shall apply without regard to whether the making, receiving, or reporting of a contribution or expenditure of $1,000 or more is involved.

"(b) A defendant in any criminal action brought for the violation of a provision of this Act, or of a provision of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, may introduce as evidence of his lack of knowledge of or intent to commit the offense for which the action was brought a conciliation agreement entered into between the defendant and the Commission under section 313 which specifically deals with the act or failure to act constituting such offense and which is still in effect.

"(c) In any criminal action brought for a violation of a provision of this Act, or of a provision of chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the court before which such action is brought shall take into account, in weighing the seriousness of the offense and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

"(1) the specific act or failure to act which constitutes the offense for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Commission under section 313;

"(2) the conciliation agreement is in effect; and

"(3) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 113. Section 319 of the Act (2 U.S.C. 439c), as redesignated by section 105, is amended by adding at the end thereof the following sentence: "There are authorized to be appropriated to the Commission $6,000,000 for the fiscal year ending June 30, 1976, $1,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, and $6,000,000 for the fiscal year ending September 30, 1977.".

SAVINGS PROVISION

SEC. 114. Except as otherwise provided by this Act, the repeal by this Act of any section or penalty shall not have the effect of releasing or extinguishing any penalty, forfeiture, or liability incurred under such section or penalty, and such section or penalty 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.

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) Section 310(a)(7) or the Act (2 U.S.C. 437d(a)(7)), as 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)".

(d)(1) Section 301(e)(5)(F) of the Act (2 U.S.C. 431(e)(5)(F)) is amended by striking out "the last paragraph of section 610 of title 18, United States Code" and inserting in lieu thereof "section 321(b)".

(2) Section 301(f)(4)(H) of the Act (2 U.S.C. 431(f)(4)(H)) is amended by striking out "the last paragraph of section 610 of title 18, United States Code" and inserting in lieu thereof "section 321(b)".

(e) Section 314(a) of the Act (2 U.S.C. 437h(a)), as redesignated by section 105, is amended by striking out "or of section 608, 610, 611, 613, 614, 615, 616, or 617 of title 18, United States Code" in the first sentence of such subsection and by striking out "or of section 608, 610, 611, 613, 614, 615, 616, or 617 of title 18, United States Code," in the second sentence of such subsection.

(f)(1) Section 406(a) of the Act (2 U.S.C. 455(a)) is amended by striking out "or section 608, 610, 611, 613, 614, 615, 616, or 617 of title 18, United States Code".

(2) Section 406(b) of the Act (2 U.S.C. 455(b)) is amended by striking out "or section 608, 610, 611, or 613 of title 18, United States Code,".

(g) Section 591 of title 18, United States Code, as amended by section 202(c), is amended—

(1) by striking out "608(c) of this title" in paragraph (f)(4)(I) and inserting in lieu thereof "section 320(b) of the Federal Election Campaign Act of 1971";

(2) by striking out "by section 608(b)(2) of this title" in paragraph (f)(4)(J) and inserting in lieu thereof "under section 320(a)(2) of the Federal Election Campaign Act of 1971"; and

(3) by striking out "310(a)" in paragraph (k) and inserting in in lieu thereof "309(a)".

(h) Section 301(n) of the Act (2 U.S.C. 431(n)) is amended by striking out "302(f)(1)" and inserting in lieu thereof "302(e)(1)".

(i) The third sentence of section 308(a)(1) of the Act (2 U.S.C. 437b(a)(1)), as redesignated by section 105, is amended by striking out "97" and inserting in lieu thereof "96".

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 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 608, 610, 611, 612, 613, 614, 615, 616, and 617.

CHANGES IN DEFINITIONS

SEC. 202. (a) Section 591 of title 18, United States Code, is amended by striking out "602, 608, 610, 611, 614, 615, and 617" and inserting in lieu thereof "and 602".

(b) Section 591(e)(4) of title 18, United States Code, is amended by inserting immediately before the semicolon the following: ", except that this paragraph shall not apply in the case of legal or accounting services rendered to or on behalf of the national committee of a political party (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), other than services attributable to activities which directly further the election of a designated candidate or candidates to Federal office, nor shall this paragraph apply in the case of legal or accounting services rendered to or on behalf of a candidate or political committee solely for the purpose of ensuring compliance with the provisions of the Federal Election Campaign Act of 1971 or chapter 95 or chapter 96 of the Internal Revenue Code of 1954 (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), but amounts paid or incurred for such legal or accounting services shall be reported in accordance with the requirements of section 904(b) of the Federal Election Campaign Act of 1971".

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

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

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

"(F) the payment, by any person other than a candidate or political committee, of compensation for legal or accounting services rendered to or on behalf of the national committee of a political party (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), other than services attributable to activities which directly further the election of a designated candidate or candidates to Federal office, or the payment for legal or accounting services rendered to or on behalf of a candidate or political committee solely for the purpose of ensuring compliance with the provisions of the Federal Election Campaign Act of 1971 or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), but amounts paid or incurred for such legal or accounting services shall be reported under section 304(b) of the Federal Election Campaign Act of 1971;".

TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1954

ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

SEC. 301. (a) 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:

"(d) EXPENDITURES FROM PERSONAL FUNDS.—In order to be eligible to receive any payment under section 9006, the candidate of a major, minor, or new party in an election for the office of President shall certify to the Commission, under penalty of perjury, that such candidate will not knowingly make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for election to the office of President in excess of, in the aggregate, $50,000. For purposes of this subsection, expenditures from personal funds made by a candidate of a major, minor, or new party for the office of Vice President shall be considered to be expenditures by the candidate of such party for the office of President.

"(e) DEFINITION OF IMMEDIATE FAMILY.—For purposes of subsection (d), the term 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.".

(b) For purposes of applying section 9004(d) of the Internal Revenue Code of 1954, as added by subsection (a), expenditures made by an individual after January 29, 1976, and before the date of the enactment of this Act shall not be taken into account.

PAYMENTS TO ELIGIBLE CANDIDATES; INSUFFICIENT AMOUNTS IN FUND

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

(b) Section 9006(c) of the Internal Revenue Code of 1954 (relating to insufficient amounts in fund), as redesignated by subsection (a), is amended by adding at the end thereof the following new sentence: "In any case in which the Secretary or his delegate determines that there are insufficient moneys in the fund to make payments un-

der subsection (b), section 9008(b)(3), and section 9037(b), moneys shall not be made available from any other source for the purpose of making such payments.".

PROVISION OF LEGAL OR ACCOUNTING SERVICES

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

"(4) PROVISION OF LEGAL OR ACCOUNTING SERVICES.—For purposes of this section, the payment, by any person other than the national committee of a politcial party (unless the person paying for such services is a person other than the regular employer of the individual rendering such services) of compensation to any individual for legal or accounting services rendered to or on behalf of the national committee of a political party shall not be treated as an expenditure made by or on behalf of such committee with respect to its limitations on presidential nominating convention expenses.".

REVIEW OF REGULATIONS

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

(1) in paragraph (2) thereof, by inserting immediately after the first sentence thereof the following new sentences: "Whenever a committee of the House of Representatives reports any resolution relating to any such rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to."; and

(2) by adding at the end thereof the following new paragraph:

"(4) For purposes of this subsection, the term 'rule or regulation' means a provision or series of interrelated provisions stating a single separable rule of law.".

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

(1) in paragraph (2) thereof, by inserting immediately after the first sentence thereof the following new sentences: "Whenever a committee of the House of Representatives reports any resolution relating to any such rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to."; and

(2) by adding at the end thereof the following new paragraph:

"(4) For purposes of this subsection, the term 'rule or regulation' means a provision or series of interrelated provisions stating a single separable rule of law.".

QUALIFIED CAMPAIGN EXPENSE LIMITATION

SEC. 305. (a) Section 9035 of the Internal Revenue Code of 1954 (relating to qualified campaign expense limitation) is amended—

(1) in the heading thereof, by striking out "LIMITATION" and inserting in lieu thereof "LIMITATIONS";

(2) by inserting "(a) EXPENDITURE LIMITATIONS.—" immediately before "No candidate";

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

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

"(b) DEFINITION OF IMMEDIATE FAMILY.—For purposes of this section, the term 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons.".

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

"Sec. 9035. Qualified campaign expense limitations.".

(c) Section 9033(b)(1) of the Internal Revenue Code of 1954 (relating to expense limitation; declaration of intent; minimum contributions) is amended by striking out "limitation" and inserting in lieu thereof "limitations".

(d) For purposes of applying section 9035 (a) of the Internal Revenue Code of 1954, as amended by subsection (a), expenditures made by an individual after January 29, 1976, and before the date of the enactment of this Act shall not be taken into account.

RETURN OF FEDERAL MATCHING PAYMENTS

SEC. 306. (a)(1) Section 9002(2) of the Internal Revenue Code of 1954 (defining candidate) is amended by adding at the end thereof the following new sentence: "The term 'candidate' shall not include any individual who has ceased actively to seek election to the office of President of the United States or to the office of Vice President of the United States, in more than one State.".

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

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

"(1) shall no longer be eligible to receive any payments under section 9006, except that such individual shall be eligible to receive payments under such section to defray qualified campaign expenses incurred while actively seeking election to the office of President of the United States or to the office of Vice President of the United States in more than one State; and

"(2) shall pay to the Secretary or his delegate, as soon as practicable after the date upon which such individual ceases to be a candidate, an amount equal to the amount of payments received by such individual under section 9006 which are not used to defray qualified campaign expenses.".

(b)(1) Section 9032(2) of the Internal Revenue Code of 1954 (defining candidate) is amended by adding at the end thereof the following new sentence: "The term 'candidate' shall not include any individual who is not actively conducting campaigns in more than one State in connection with seeking nomination for election to be President of the United States.".

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

"(c) TERMINATION OF PAYMENTS.—

"(1) GENERAL RULE.—Except as provided by paragraph (2), no payment shall be made to any individual under section 9037—

"(A) if such individual ceases to be a candidate as a result of the operation of the last sentence of section 9032(2); or

"(B) more than 30 days after the date of the second consecutive primary election in which such individual receives less than 10 percent of the number of votes cast for all candidates of the same party for the same office in such primary election, if such individual permitted or authorized the appearance of his name on the ballot, unless such individual certifies to the Commission that he will not be an active candidate in the primary involved.

"(2) QUALIFIED CAMPAIGN EXPENSES; PAYMENTS TO SECRETARY.—Any candidate who is ineligible under paragraph (1) to receive any payments under section 9037 shall be eligible to continue to receive payments under section 9037 to defray qualified campaign expenses incurred before the date upon which such candidate becomes ineligible under paragraph (1).

"(3) CALCULATION OF VOTING PERCENTAGE.—For purposes of paragraph (1)(B), if the primary elections involved are held in more than one State on the same date, a candidate shall be treated as receiving that percentage of the votes on such date which he received in the primary election conducted on such date in which he received the greatest percentage vote.

"(4) REESTABLISHMENT OF ELIGIBILITY.—

"(A) In any case in which an individual is ineligible to receive payments under section 9037 as a result of the operation of paragraph (1)(A), the Commission may subsequently determine that such individual is a candidate upon a finding that such individual is actively seeking election to the office of President of the United States in more than one State. The Commission shall make such determination without requiring such individual to reestablish his eligibility to receive payments under subsection (a).

"(B) Notwithstanding the provisions of paragraph (1)(B), a candidate whose payments have been terminated under paragraph (1)(B) may again receive payments (including amounts he would have received but for paragraph (1)(B)) if he receives 20 percent or more of the total number of votes cast for candidates of the same party in a primary election held after the date on which the election was held which was the basis for terminating payments to him.".

(c) The amendments made by this section shall take effect on the date of the enactment of this Act.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 307. (a) Section 9008(b)(5) of the Internal Revenue Code of 1954 (relating to adjustment of entitlements) is amended—

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

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

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

(c) Section 9035(a) of the Internal Revenue Code of 1954 (relating to expenditure limitations), as redesignated by section 305 (a), is amended by striking out "section 608 (c)(1)(A) of title 18, United States Code" and inserting in lieu thereof "section 320(b)(1)(A) of the Federal Election Campaign Act of 1971".

(d) Section 9004(a)(1) of the Internal Revenue Code of 1954 (relating to entitlements of eligible candidates to payments) is amended by striking out "608(c)(1)(B) of title 18, United States Code" and inserting in lieu thereof "320(b)(1)(B) of the Federal Election Campaign Act of 1971".

(e) Section 9007(b)(3) of the Internal Revenue Code of 1954 (relating to repayments) is amended by striking out "9006(d)" and inserting in lieu thereof "9006(c)".

(f) Section 9012(b)(1) of the Internal Revenue Code of 1954 (relating to contributions) is amended by striking out "9006(d)" and inserting in lieu thereof "9006(c)".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the Senate bill and agree to the same.

And the House agree to the same.

WAYNE L. HAYS,
JOHN H. DENT,
JOHN BRADEMAS,
DAWSON MATHIS,
MENDEL J. DAVIS,
CHARLES E. WIGGINS,
Managers on the Part of the House.

HOWARD W. CANNON,
CLAIBORNE PELL,
ROBERT C. BYRD,
HUGH SCOTT,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3065) to amend the Federal Election Campaign Act of 1971 to provide for its administration by a Federal Election Commission appointed in accordance with the requirements of the Constitution, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE

The Senate bill, the House amendment, and the conference substitute provide that this legislation may be cited as the "Federal Election Campaign Act Amendments of 1976".

AMENDMENTS TO FEDERAL ELECTION CAMPAIGN ACT OF 1971

Federal Election Commission membership

Senate bill

Section 101 of the Senate bill amended the Federal Election Campaign Act of 1971 (hereinafter in this statement referred to as the "Act") to provide that the Federal Election Commission (hereinafter in this statement referred to as the "Commission") is to consist of the Secretary of the Senate, the Clerk of the House, both ex officio and without the right to vote, and 8 members appointed by the President by and with the advice and consent of the Senate. No more than 3 members of the Commission at any time may be affiliated with the same political party, and at least 2 members shall not be affiliated with any party.

The bill provided for 8-year terms for members with the terms of 2 members, not affiliated with the same political party, expiring every 2 years, beginning in 1977, so that members are not reappointed in an election year. Vacancies are filled only for the remainder of the term during which the vacancy occurred. Reappointment is to be made in the same manner as the appointment.

Section 101(c)(1) provided that the Commission has exclusive and primary jurisdiction with respect to the civil enforcement of the Federal Election Campaign Act and of the provisions of the Internal Revenue Code of 1954 relating to the public financing of presidential elections. This section also recited a reservation of congressional prerogatives reserved to the Congress under the Constitution.

Section 101(c)(2) provided that the Commission may not establish guidelines, initiate civil actions, render advisory opinions, make regulations, conduct investigations, or report apparent violations of law without an affirmative vote of 5 members of the Commission.

Section 101(d) of the Senate bill exempted Commission staff appointments from the provisions of title 5, United States Code, relating to the competitive service, classification, and General Schedule pay rates. This provision maintained the present exempt status of Commission appointments.

Section 101(e) related to the appointment of new members. It urged the expeditious appointment of new members, provided that the first appointments to the new Commission are not appointments to fill unexpired terms, provided that the terms of all the present members end when a majority of the new members are appointed and qualified, and gave statutory recognition to the limited power of the reconstituted Commission under the decision of the Supreme Court in *Buckley* v. *Valeo* (Nos. 75–436, 75–437, January 30, 1976).

Section 101(f) permitted the present members to be appointed to the new Commission by waiving the prohibition against the appointment of individuals to the Commission presently holding Federal office.

Section 101(g) of the Senate bill was designed to facilitate the transition between the Commisison as presently constituted and the Commission as reconstituted by the Senate bill by providing for the transfer of personnel, liabilities, contracts, property, and records employed, held, or used primarily in connection with the functions of the Commission as presently constituted. It provided that the transfer of personnel from the old Commission to the new Commission would be without reduction in classification or compensation for one year after such transfer. Thus, no person's salary or position would be reduced solely because of the transfer. This provision does not bar a dismissal or reduction in salary by the Commission for reasons other than the transfer. This section also preserved all actions, suits, and other proceedings commenced by or against the Commission or any officer or employee thereof acting in his official capacity. It also preserved all orders, determinations, rules, advisory opinions, and opinions of counsel made, issued, or granted by the Commission before its reconstitution.

House amendment

Section 101(a)(1) amended section 309(a)(1) of the Act, as so redesignated by section 105 of the House amendment, to provide that the Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives ex officio and without the right to vote, and 6 members appointed by the President of the United States, by and with the advice and consent of the Senate.

Section 101(a)(2) amended section 309(a)(1) of the Act, as so redesignated by section 105 of the House amendment, to provide that no more than 3 members of the Commission appointed by the President may be affiliated with the same political party.

Section 101(b) amended section 309(a) of the Act, as so redesignated by section 105, by rewriting paragraph (2). Section 309(a)(2)(A) provides that members of the Commission shall serve for terms of 6 years, except that members first appointed shall serve for staggered terms as designated by the President. In making such designations, the President may not appoint an individual affiliated with any political party for a term which expires 1 year after the term of another member affiliated with the same political party.

Section 309(a)(2)(B) provides that a member of the Commission may serve after the expiration of his term until his successor has taken office.

Section 309(a)(2)(C) provides that an individual appointed to fill a vacancy occurring other than by the expiration of a term of office may be appointed only for the unexpired term of the member he succeeds.

Section 309(a)(2)(D) provides that a vacancy in the Commission shall be filled in the same manner as the original appointment.

Section 101(c)(1) amended section 309(a)(3) of the Act, as so redesignated by section 105 of the House amendment, to provide that members of the Commission shall not engage in any other business, vocation, or employment. Members are given 1 year to terminate or liquidate any such activities.

Section 101(c)(2) amended section 309 of the Act, as so redesignated by section 105 of the House amendment, by rewriting subsection (b). Section 309(b)(1) requires the Commission to administer and formulate policy regarding the Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954. The Commission is given exclusive primary jurisdiction regarding the civil enforcement of such provisions.

Section 309(b)(2) provides that the provisions of the Act do not limit, restrict, or diminish any investigatory, informational, oversight, supervisory, or disciplinary authority or function of the Congress or any committee of the Congress regarding elections to Federal office.

Section 101(c)(3) of the House amendment amended section 309(c) of the Act, as so redesignated by section 105 of the House amendment, to require an affirmative vote of 4 members of the Commission in order for the Commission to establish guidelines for compliance with the Act or with chapter 95 or chapter 96 of the Internal Revenue Code of 1954, or for the Commission to take any action under (1) section 310(a)(6) of the Act, as so redesignated by section 105 of the House amendment, relating to the initiation of civil actions; (2) section 310(a)(7) of the Act, relating to the rendering of advisory opinions; (3) section 310(a)(8) of the Act, relating to prescribing forms and to rulemaking authority; or (4) section 310(a)(10) of the Act, relating to investigations and hearings.

Section 101(d)(1) provided that the President shall appoint members of the Commission as soon as practicable after the date of the enactment of the House amendment. Subsection (d)(2) provided that the first appointments made by the President shall not be considered appointments to fill the unexpired terms of members serving on the Commission on the date of the enactment of the House amendment.

Subsection (d)(3) provided that members of the Commission serving on the date of the enactment of the House amendment may continue to serve as such members until members are appointed and qualified under section 309(a) of the Act, as amended by the House amendment, except that, beginning on March 1, 1976, they may exercise only such powers and functions as may be consistent with the determinations of the Supreme Court of the United States in *Buckley* v. *Valeo*.

Section 101(e) provided that members serving on the Commission on the date of the enactment of the House amendment shall not be subject to the provisions of

section 309(a)(3) of the Act, as so redesignated by section 105 of the House amendment, which prohibit any member of the Commission from being an elected or appointed officer or employee of any branch of the Federal Government.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The provision relating to the staggered terms for members of the Commission first appointed is the same as the Senate bill, except that the provision relating to the expiration of terms on April 30, 1983, is omitted from the conference substitute.

2. With regard to the provision relating to members of the Commission engaging in any other business, vocation, or employment, the conferees agree that the requirement is intended to apply to members who devote a substantial portion of their time to such business, vocation, or employment activities. The conferees, however, do not intend the requirement to apply to the operation of a farm, for example, if a substantial portion of time is not devoted to such operation. The conferees further agree that the members of the Commission are expected to engage, in their service on the Commission on a full-time basis, in order to prevent any conflicts of interest on the part of such members. It is the expectation of the conferees, for example, that members of the Commission would not participate in full-time law practices while serving on the Commission. The purpose of the 1-year period included in the conference substitute is to give members an opportunity to liquidate participation in such business, vocation, or employment activities.

3. The conference substitute provides that personnel of the Commission may be appointed without regard to the provisions of title 5, United States Code, relating to the competitive service. Such personnel, however, are made subject to the classification and pay provisions of title 5, United States Code. The conferees agree that the Commission, in transmitting its budget requests to the Congress, would be required to include information relating to the number of persons employed by the Commission, the job descriptions of such persons, and grade clarifications assigned to such persons for congressional review.

4. The conference substitute changes the provision of the House amendment relating to the authority of current members of the Commission to continue to serve on the Commission. The conference substitute clarifies that this provision will continue the authority of such current members until new members of the Commission are appointed and qualified. The conference substitute also provides that such current members may exercise only such powers and functions as may be consistent with *Buckley* v. *Valeo* beginning on March 23, 1976, rather than on March 1, 1976, as provided by the House amendment. The conference substitute makes such change in the date in order to conform to the extension granted by the Supreme Court regarding the expiration of the authority of the Commission to perform executive functions.

5. The conference substitute adopts the transfer provisions of the Senate bill except that the orders, determinations, rules, and opinions of the Commission made before its reconstitution under the amendments made by the conference substitute remain in effect if they are consistent with such amendments. The conferees agree that if any portion of an order, determination, rule, or opinion of the Commission is invalid under such amendments, the Commission must conform such portion to such amendments as required under section 108(b) of the conference substitute. The conference substitute also provides that any rule or regulation proposed by the Commission before the amendments made by the conference substitute take effect must be submitted to the Congress under the procedures described in section 315 of the Act, as added by the conference substitute.

6. Regarding the provision of the conference substitute which gives the Commission exclusive primary jurisdiction with respect to the civil enforcement of Federal election laws, the conferees agree with the discussion of the term "exclusive primary jurisdiction" included in the report of the Committee on House Administration (see page 4 of House Report No. 94-917).

CHANGES IN DEFINITIONS IN FEDERAL ELECTION CAMPAIGN ACT OF 1971

A. Election

Senate bill

Section 102(a) of the bill amended the definition of "election" in section 301(a)(2) of the Act (2 U.S.C. 431(a)(2)), relating to nominating conventions and caucuses, by changing "held to nominate a candidate" in present law to "which has authority to nominate a candidate.".

House amendment

Section 102(a) of the House amendment amended section 301(a)(2) of the Act to provide that the term "election" includes any caucus or convention of a political party which has authority to nominate a candidate.

Conference substitute

The conference substitute is the same as the House amendment and the Senate bill.

B. Contribution

Senate bill

Section 102(b) of the Senate bill amended the definition of "contribution" in section 301(e)(2) of the Act (2 U.S.C. 431(e)(2)) where it says "contribution means a contract, promise, or agreement, expressed or implied, whether or not legally enforceable, to make a contribution" by inserting the word "written" before the word "contract".

Section 102(c) amended the definition of "contribution" to exclude legal and accounting services rendered to or on behalf of the national committee of a political party (unless the person paying for such services is a person other than the employer of the individual rendering such services) which do not directly further the candidacy of a particular candidate. Also excluded are such services rendered to or on behalf of any candidate or political committee for the purpose of complying with the requirements of the Act and chapters 95 and 96 of the Internal Revenue Code of 1954 (unless the person paying for such services is a person other than the employer of the individual rendering such services). The section requires the latter amounts paid or incurred to be reported and disclosed but permits them to be ignored in determining contribution and expenditure limitations.

Section 102(d) transferred from section 591(e)(1) of title 18, United States Code, the exception from the definition of contribution, for limitation purposes, a loan of money by a bank in the ordinary course of business. Such a loan would be required to be reported, however, as in existing law. Section 102(f)(3) did the same with respect to the definition of expenditure.

The Senate bill also provided that the $500 ceiling on activities under section 301(e)(5) of the Act would apply to activities by any person, rather than by any individual. The effect of this amendment would be to include partnerships, committees, associations, corporations, labor organizations, and other organizations or groups, as well as individuals, under the terms of the provision.

House amendment

Section 102(b) amended section 301(e)(2) of the Act to provide that a contract, promise, or agreement to make a contribution must be in writing in order to be considered a contribution. The House amendment also struck the phrase "expressed or implied" from section 301(e)(2), in order to conform to the requirement that the agreement be in writing.

Section 102(c)(1) amended section 301(e)(4) of the Act to provide that the definition of contribution shall not apply to (1) legal or accounting services rendered to or on behalf of the national committee of a political party, other than legal or accounting services attributable to any activity which directly furthers the election of a designated candidate for Federal office; or (2) legal or accounting services rendered to or on behalf of a candidate or political committee for the sole purpose of ensuring compliance with the Act, chapter 29 of title 18, United States Code, or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Subsection (c)(2) added a new clause (G) to section 301(e)(5) of the Act. Clause (G) provides that the term contribution shall not include a gift, subscription, loan, advance, or deposit of money or anything of value to a national committee or a State committee of a political party which is for the sole purpose of defraying any cost incurred for the construction or purchase of any office facility which is not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office. Clause (G) requires that any such gift, subscription, loan, advance, or deposit of money or anything of value, and any such cost, must be reported in accordance with section 304(b) of the Act.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The conference substitute includes a modified version of the provision of the Senate bill which provides that legal or accounting services are considered contributions if the person paying for the services is a person other than the "regular" employer of the individual rendering the services.

2. The conference substitute follows the Senate bill in requiring the reporting of such services when they are rendered to a candidate.

3. The conference substitute includes the amendment made by the Senate bill exempting bank loans made in the regular course of business from the definition of contributions except for reporting purposes.

4. The conference substitute includes the amendment made by the Senate bill to the limitation on certain exempt activities by individuals so that limit would apply to all persons rather than just to individuals.

5. The conference substitute provides that the term "contribution" does not include any honorarium within the meaning of section 328 of the Act, as amended by the conference substitute.

C. Expenditure

Senate bill

Section 102(f) amended the definition of "expenditure" to exclude certain fund-raising costs and payments for legal and accounting services (under the circumstances discussed above). The exclusion of some fund-raising costs for purposes of the limits on expenditures by publicly financed presidential candidates conforms to present law and was made necessary by the transfer of the provisions setting forth those limits to the Act. Section 102(f) also excluded from the definition of "expenditure for limitation purposes partisan activity designed to encourage individuals to register to vote, or to vote, conducted by the national commit-

tee of a political party, or a subordinate committee thereof, or the State committee of a national party. Such activity would, however, be required to be reported.

House amendment

Section 102(d)(1) amended section 301(f)(4) of the Act by adding a new clause (I). Clause (I) provides that the term "expenditure" does not include any costs incurred by a candidate in connection with any solicitation of contributions by the candidate. Clause (I) does not apply, however, to costs incurred by a candidate in excess of an amount equal to 20 percent of the applicable expenditure limitation under section 320(b) of the Act. All costs incurred by a candidate in connection with the solicitation of contributions shall be reported in accordance with section 304(b).

Subsection (d)(2) amended section 301(f)(4) of the Act by adding a new clause (F). Clause (F) provides that the term "expenditure" does not include the payment, by any person other than a candidate or a political committee, of compensation for (1) legal or accounting services rendered to or on behalf of the national committee of a political party, other than legal or accounting services attributable to any activity which directly furthers the election of a designated candidate for Federal office; or (2) legal or accounting services rendered to or on behalf of a candidate or political committee for the sole purpose of ensuring compliance with the Act, chapter 29 of title 18, United States Code, or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Conference substitute

The conference substitute is the same as the Senate bill, except that (1) the provision of the Senate bill relating to legal or accounting services is modified by the conference substitute to provide that legal or accounting services are considered expenditures if the person paying for the services is a person other than the "regular" employer of the individual rendering the services; and (2) the exclusion for partisan registration and get-out-the-vote activity is not retained in the conference substitute, resulting in no change in existing law.

D. Other definitions

Senate bill

Section 102(g) of the Senate bill amended section 301 of the Act to define the term "Act" to mean the Federal Election Campaign Act of 1971, as amended by the Federal Election Campaign Act Amendments of 1974 and the Federal Election Campaign Act Amendments of 1976.

House amendment

Section 102(e) amended section 301 of the Act by adding the following new definitions:

1. The term "Act" was defined to mean the Federal Election Campaign Act of 1971, as amended by the Federal Election Campaign Act Amendments of 1974 and the Federal Election Campaign Act Amendments of 1976.

2. The term "independent expenditure" was defined to mean any expenditure by a person which expressly advocates the election or defeat of a clearly identified candidate, which is made without cooperation or consultation with any candidate, or any authorized committee or agent of the candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of the candidate.

3. The term "clearly identified" was defined to mean (a) the name of the candidate involved appears; (b) a photograph or drawing of the candidate appears; or (c) the identity of the candidate is apparent by unambiguous reference.

Conference substitute

The conference substitute is the same as the House amendment. The conferees agree, with respect to the definition of the term "independent expenditure", that advocacy of the election or defeat of a candidate or a general request for assistance in a speech to a group of persons by itself should not be considered to be a "suggestion" that such persons make an expenditure to further such election or defeat. The definition of the term "independent expenditure" in the conference substitute is intended to be consistent with the discussion of independent political expenditures which was included in *Buckley* v. *Valeo*.

ORGANIZATION OF POLITICAL COMMITTEES

Senate bill

Subsections (a) and (b) of section 103 of the Senate bill amended section 302 of the Act (2 U.S.C. 432(b)) to reduce the accounting and recordkeeping requirements applicable to political committees by requiring that records be kept only on contributions in excess of $100, instead of in excess of $10.

Section 103(c) struck out section 302(e) of the Act (2 U.S.C. 432(e)) which requires that notice of unauthorized activities by political committees be disclosed on the literature and advertisements circulated by those committees. The subject is covered by a new section 323 of the Act added by section 110 of the Senate bill.

House Amendment

Section 103 of the House amendment amended section 302 of the Act by striking out subsection (e), relating to a requirement that political committees raising contributions or making expenditures on behalf of a candidate without being authorized to do so by the candidate must indicate this lack of authority on any campaign literature and campaign advertisements. Section 323 of the Act, as added by the House amendment, contains a similar provision.

Conference substitute

The conference substitute is the same as the Senate bill except that the conference substitute changes the recordkeeping requirements so that political committees must keep records only for contributions of $50 or more.

The conferees agree that where a political committee is not required to record the identity of the contributor of a particular contribution, and it does not do so, and if, as a result, such committee has no knowledge that this particular contribution, when aggregated with other contributions from the same contributor, amounts to over $100, the committee is not required to report the identity of such contributor under section 304 of the Act. If, however, a committee has knowledge of a contribution, the full reporting requirements of section 304 of the Act must be complied with.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

Senate bill

Section 104(a) of the Senate bill amended the reporting and disclosure provisions of section 304(a)(1) of the Act (2 U.S.C. 434(a)(1)) to provide that, in nonelection years, a candidate and his authorized committees must file quarterly reports only for quarters in which an aggregate of more than $5,000 in contributions, expenditures, or a combination thereof is received or spent. This provision does not affect the obligation to file year-end reports in nonelection years.

Section 104(b) amended section 304(a)(2) of the Act (2 U.S.C. 434(a)(2)) to require that only political committees authorized by a candidate must file their reports with the candidate's principal campaign committee.

Section 104(c) amended section 304(b) of the Act—

(1) to add a new requirement that political committees which are not authorized candidates' committees which make expenditures in excess of $100 to advocate expressly the election or defeat of a clearly identified candidate report to the Commission whether the expenditure was intended to advocate the election or the defeat of a candidate and to certify to the Commission, under penalty of perjury, that the expenditure was not made in cooperation, consultation, or concert with a candidate's campaign nor was it made in response to a request or suggestion by the candidate of his agent; and

(2) to provide that when committee treasurers and candidates show that best efforts have been used to comply with the reporting requirements the treasurers and candidates are considered to have complied with the requirements of the Act.

Section 104(d) amended section 304(e) of the Act—

(1) to conform the independent expenditure reporting requirement contained in that subsection to the requirements of the Constitution set forth in *Buckley* v. *Valeo* with respect to the express advocacy of election or defeat of clearly identified candidates;

(2) to require corporations, labor organizations, and membership organizations which spend more than $1,000 per candidate per election to advocate the election or defeat of a clearly identified candidate in communications with their stockholders or members or their families to report the expenditures to the Commission;

(3) to require a person whose contributions exceed a total of $100 during the calendar year to a separate segregated fund as a result of the special twice yearly solicitation by mail permitted under section 321 of the Act (as amended by the Senate bill) to notify the recipient when the total amount of his contributions exceeds $100; and

(4) to require the Commission to prepare and periodically issue indices of expenditures reported under section 304(e) on a candidate-by-candidate basis.

House amendment

Section 104(a) amended section 304(a)(1)(C) of the Act to provide that in any year in which a candidate is not on the ballot for election to Federal office, the candidate and his authorized committees must file a report not later than the tenth day after the close of any calendar quarter in which the candidate and his authorized committees received contributions or made expenditures which aggregate a total of more than $10,000. Each report must be complete as of the close of the calendar quarter, except that any report which must be filed after December 31 of any calendar year in which a report must be filed under section 304(a)(1)(B) shall be filed as provided in section 304(a)(1)(B).

Section 104(b) amended section 304(a) of the Act by rewriting paragraph (2). Paragraph (2) provides that each treasurer of a political committee authorized by a candidate to raise contributions or make expenditures on behalf of the candidate, other than the principal campaign committee of the candidate, must file reports with the principal campaign committee of the candidate (rather than with the Commission).

Section 104(c) amended section 304(b) of the Act by adding a new paragraph (13). Paragraph (13) requires each report to include, in the case of an independent expenditure in excess of $100 by a political committee, other than an authorized committee of a candidate, expressly advocating the election or defeat of a clearly identified candidate, through a separate schedule (1) any information required by section 304(b)(9), stated in a manner which indicates whether the independent expenditure is in support of, or in opposition to, a candidate; and (2) under penalty of perjury, certification whether the independent expenditure is made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee

or agent of the candidate. If such expenditure is made with such cooperation, consultation, or concert, or as a result of such request or suggestion, it no longer would qualify as an independent expenditure.

Section 104(d) amended section 304 of the Act by rewriting subsection (e). Subsection (e)(1) requires every person (other than a political committee or a candidate) who makes independent expenditures of more than $100 in a calendar year to file a statement with the Commission containing the information required of a person who makes contributions of more than $100 to a candidate or political committee and the information required of a candidate or political committee receiving such a contribution.

Subsection (e)(2) provides that statements required by subsection (e) must be filed on dates for the filing of reports by political committees. The statements must include (1) the information required by section 304(b)(9), stated in a manner which indicates whether the contribution or independent expenditure is in support of, or in opposition to, a candidate; and (2) under penalty of perjury, certification whether the independent expenditure is made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or any authorized committee or agent of the candidate.

Any independent expenditure, including independent expenditures described in section 304(b)(13), of $1,000 or more which is made after the fifteenth day, but more than 24 hours, before any election must be reported within 24 hours of the independent expenditure.

Subsection (e)(3) requires the Commission to prepare indices regarding expenditures made with respect to each candidate. The indices must be issued on a timely preelection basis.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. With respect to quarterly reports in nonelection years, the conference substitute is the same as the Senate bill.

2. The conference substitute replaces the provision of the Senate bill relating to corporations, labor organizations, and other membership organizations issuing communications to their stockholders and members with an amendment to section 301(f)(4)(C) of the Act which—

(a) requires reporting of such communications devoted to express advocacy of the election or defeat of a clearly identified candidate;

(b) provides that the cost of a communication will not be reportable if the communication is primarily devoted to subjects other than the advocacy of the election or defeat of a candidate; and

(c) applies only to costs which exceed $2,000 per election.

With respect to determining whether a communication is covered by this provision, the conferees intend that communications dealing primarily with subjects other than the express advocacy of the election or defeat of a candidate would not be covered. An editorial advocating the election or defeat of a candidate which appears in a regularly published newsletter which deals primarily with other subjects would not be a covered communication. This exclusion is designed to eliminate the difficult allocation problems that would otherwise have been presented. For the same reason, the conference substitute requires the reporting only of costs directly attributable to the express advocacy of the election or defeat of a candidate. The paper, stamps, etc., for a mimeographed covered communication would be reportable but not a share of the membership organization's building, mimeograph machine, etc., expenses.

The distribution of a reprint of the type of editorial described above would be a covered communication. Further, a special edition of a newsletter which primarily advocates the election or defeat of candidates would not be exempt from reporting.

The conferees also intend that the $2,000 limit on excluded communications would apply without regard to the number of candidates mentioned in the communication. If, for example, a communication refers to 3 candidates and the cost of the communication is $3,000, the person making the communication would not be permitted to allocate the cost on the basis of the number of candidates mentioned in the communication. Since the communication cost more than $2,000 it would be reported regardless of the number of candidates mentioned in the communication.

3. The conference substitute includes the provision of the Senate bill which stated that political committee treasurers and candidates would be considered to be in compliance with reporting requirements if they demonstrate that their best efforts have been used to obtain required information.

REPORTS BY CERTAIN PERSONS

Senate bill

Section 105 of the Senate bill amended title III of the Act by striking out section 308, relating to reports by certain persons.

House amendment

Section 105 of the House amendment amended title III of the Act by striking out section 308, relating to reports by certain persons.

Conference substitute

The conference substitute is the same as the House amendment and the Senate bill.

CAMPAIGN DEPOSITORIES

Senate bill

No provision.

House amendment

Section 106 amended section 308(a)(1) of the Act, as so redesignated by section 105 of the House amendment, to provide that it is within the discretion of political committees to maintain one or more checking accounts at banks which they designate as campaign depositories.

Conference substitute

The conference substitute is the same as the House amendment, except that it provides that political committees may maintain a single checking account and such other accounts as they may desire at banks which they designate as campaign depositories. It is the intent of the conferees that the term "such other accounts", as it appears in the conference substitute, includes checking accounts, savings accounts, certificates of deposit, and other accounts.

POWERS OF COMMISSION

Senate bill

Section 106 of the Senate bill amended section 310 of the Act (2 U.S.C. 437d) and added to the Commission's powers of authority to formulate general policy, prescribe forms and regulations, the power to bring civil actions to enforce the provisions of the Internal Revenue Code of 1954 relating to public financing of presidential elections. This section also provides that, with the exception of actions brought by an individual aggrieved by an action by the Commission, the power of the Commission to initiate civil actions is the exclusive civil remedy for the enforcement of the provisions of the Act.

House amendment

Section 107(a) amended section 310(a) of the Act, as so redesignated by section 105 of the House amendment, by combining paragraph (10) with paragraph (8). Paragraph (10) relates to the authority of the Commission to develop forms for the filing of reports.

Section 107(b)(1) amended section 310(a) of the Act, as so redesignated by section 105 of the House amendment, by rewriting paragraph (6). Paragraph (6) gives the Commission authority to initiate, defend, and appeal civil actions.

Subsection (b)(2) amended section 310 of the Act, as so redesignated by section 105 of the House amendment, by adding a new subsection (e) which provides that the civil action authority of the Commission is the exclusive civil remedy for enforcing the Act, except for actions which may be brought under section 313(a)(9) of the Act, as added by the House amendment.

Conference substitute

The conference substitute is the same as the House amendment and the Senate bill.

ADVISORY OPINIONS

Senate bill

No provision.

House amendment

Section 108(a) amended section 312 of the Act, as so redesignated by section 105 of the House amendment, by rewriting subsection (a). Subsection (a) provides that the Commission shall render a written advisory opinion upon the written request of any individual holding a Federal office, any candidate for Federal office, any political committee, or any national committee of a political party. Any such advisory opinion must be rendered within a reasonable time after the request is made and shall indicate whether a specific transaction or activity would constitute a violation of the Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954. Subsection (a) prohibits the Commission or any of its employees from issuing any advisory opinion except in accordance with the provisions of section 312.

Section 108(b) amended section 312 of the Act, as so redesignated by section 105, by rewriting subsection (b). Subsection (b)(1) provides that any person who relies on an advisory opinion and who acts in good faith in accordance with the advisory opinion may not be penalized under the Act or under chapter 95 or chapter 96 of the Internal Revenue Code of 1954 as the result of any such action.

Subsection (b)(2) provides that an advisory opinion may be relied upon by (1) any person involved in the transaction or activity with respect to which the advisory opinion is rendered; and (2) any person involved in any similar transaction or activity.

The Commission is required to transmit to the Congress proposed rules and regulations based on an advisory opinion of general applicability if the transaction or activity involved is not already covered by any rule or regulation of the Commission. Any rule or regulation which the Commission proposes under subsection (b) is subject to the congressional review procedures of section 315(c) of the Act.

Section 108(c) made a conforming amendment to section 315(c)(1) of the Act.

Section 108(d) provided that the amendments made by section 108 apply to any advisory opinion rendered by the Commission after October 15, 1974.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The conference substitute provides that an advisory opinion shall relate to the application of a general rule of law which is stated in the Act or chapter 95 or 96 of the Internal Revenue Code of 1954, or which already has been prescribed as a rule or regulation, to a specific fact situation.

2. The conference substitute provides that general rules of law may be initially proposed by the Commission only as rules and regula-

tions subject to congressional review and disapproval and not through the advisory opinion procedure.

3. Thus, under the conference substitute, if the request for an advisory opinion does not state a specific fact situation and if such request would necessarily require the Commission to state a general rule of law which is not set forth in a prescribed rule or regulation, the Commission could not issue the opinion requested.

4. While the rules just stated govern all opinions of an advisory nature, these provisions do not preclude the distribution by the Commission of other information consistent with the Act.

5. The conference substitute provides that a person involved in a transaction or activity other than a transaction or activity with respect to which an advisory opinion has been rendered may rely upon such advisory opinion only if the transaction or activity in which such person is involved is indistinguishable in all its material aspects from the transaction or activity with respect to which the advisory opinion was rendered.

6. The provision of the House amendment which required the Commission to submit advisory opinions of general applicability to the Congress as proposed rules and regulations is not included in the conference substitute.

7. The provision of the House amendment which made the amendments applicable to any advisory opinion rendered after October 15, 1974, is not included in the conference substitute. Section 101(g)(3) of the conference substitute requires that advisory opinions in effect on the date of the enactment of the conference substitute must be conformed to amendments made by the conference substitute. (See the discussion of section 101(g)(3) of the conference substitute in this statement.)

8. The conference substitute provides that the Commission shall, no later than 90 days after the date of the enactment of the conference substitute, conform advisory opinions in effect before such effective date to the requirements established by the amendments made by the conference substitute. The provisions of section 312(b) of the Act, as added by the conference substitute, relating to good faith reliance upon advisory opinions, will apply to advisory opinions in effect before the date of the enactment of the conference substitute after such advisory opinions have been conformed in accordance with the requirements of the conference substitute.

ENFORCEMENT

Senate bill

Section 107 of the Senate bill amended the enforcement provisions of section 313 of the Act (2 U.S.C. 437g). Under the amendments made by section 107 of the Senate bill the Commission can investigate a complaint only if the complaint is signed and sworn to by the person filing the complaint and the complaint is notarized. The Commission may not conduct any investigation solely on the basis of an anonymous complaint. The Commission must conduct all investigations expeditiously and afford the person who receives notice of the investigation a reasonable opportunity to show that no action should be taken against such person by the Commission.

If, after investigation, the Commission determines that there is reason to believe a violation of the Act or of the public financing provisions of the Internal Revenue Code of 1954 has been committed, or is about to be committed, it is required to make every endeavor to correct or prevent the violation by informal methods prior to instituting any civil action.

If the Commission enters into a conciliation agreement with a person, it is prohibited from bringing a civil action or recommending prosecution to the Justice Department with respect to that violation as long as the conciliation agreement is not violated. If the Commission is unable to correct the violation informally, it is authorized to bring a civil action. The Commission may refer a violation directly to the Attorney General without going through the voluntary compliance procedure if it determines there is probable cause to believe that a knowing and willful violation involving the making, receiving, or reporting of any contribution or expenditure having a value in the aggregate of $1,000 or more in any calendar year has occurred or that a knowing and willful violation of the public financing provisions of the Internal Revenue Code has occurred.

The Commission is authorized, as part of a conciliation agreement, to require that a person pay a civil penalty of $10,000 or 3 times the amount involved, whichever is greater, when it believes there is clear and convincing proof that a knowing and willful violation has occurred. The Commission is further authorized to require the payment of a civil penalty which does not exceed the greater of $5,000 or an amount equal to the amount of the contribution or expenditure involved if it believes a violation has been committed.

The Commission is required to make public the results of any conciliation attempt as well as the provisions of any conciliation agreement.

In any civil action brought by the Commission where the Commission establishes through clear and convincing proof that the person involved in the action committed a knowing and willful violation of law, the court is authorized to impose a civil penalty of $10,000 or 3 times the amount of the contribution or expenditure involved, whichever is greater. The court is also authorized to impose a civil penalty which does not exceed the greater of $5,000 or an amount equal to the amount of any contribution or expenditure involved where the violation is not a knowing and willful violation. The Commission may institute a civil action if it believes there has been a violation of any provision of a conciliation agreement.

A person aggrieved by the Commission's dismissal of his complaint, or by the Commission's failure to act on the complaint within 90 days after it was filed, may petition the United States District Court for the District of Columbia for relief. The petition must be filed with the court within 60 days after the dismissal of the complaint or within 60 days after the end of the 90-day period during which no action was taken. The court may direct the Commission to proceed on the complaint within 30 days after the court's decision. If the Commission fails to take action within that period, the complainant may bring an action to remedy the violation complained of.

House amendment

Section 109 of the House amendment amended title III of the Act by rewriting section 313, as so redesignated by section 105 of the House amendment.

Section 313(a)(1) permits any person who believes that the Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has been violated to file a written complaint with the Commission. The complaint must be notarized and signed and sworn to by the person filing the complaint. The person shall be subject to the provisions of section 1001 of title 18, United States Code (relating to false or fraudulent statements).

The Commission is prohibited from conducting any investigation, or taking any other action, solely on the basis of an anonymous complaint.

Subsection (a)(2) provides that, if the Commission has reasonable cause to believe that a person has violated the Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954, the Commission is required to notify the person and to conduct an investigation of the violation.

Subsection (a)(3) requires the Commissions to conduct any investigation expeditiously and to include in the investigation an additional investigation of any reports and statements filed with the Commission by the complainant involved, if the complainant is a candidate for Federal office. Subsection (a)(3) prohibits the Commission and any person from making public any investigation or any notification made under subsection (a)(2) without the written consent of the person receiving the notification or the person under investigation.

Subsection (a)(4) requires the Commission, upon request, to permit any person who receives notification under subsection (a)(2) to demonstrate that the Commission should not take any action against such person under the Act.

Subsection (a)(5) requires the Commission to seek to correct or prevent any violation of the Act by informal methods of conference, conciliation, and persuasion during the 30-day period after the Commission determines there is reasonable cause to believe that a violation has occurred or is about to occur. The Commission also is required to seek to enter into a conciliation agreement with the person involved in such violation. If, however, the Commission has reasonable cause to believe that—

(1) a person has failed to file a report required under section 304(a)(1)(C) of the Act for the calendar quarter ending immediately before the date of a general election;

(2) a person has failed to file a report required to be filed no later than 10 days before an election; or

(3) on the basis of a complaint filed less than 45 days but more than 10 days before an election, a person has committed a knowing and willful violation of the Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954;

the Commission shall seek to informally correct the violation and to enter into a conciliation agreement with the person involved for a period of not less than one-half the number of days between the date upon which the Commission determines that there is reasonable cause to believe a violation has occurred and the date of the election involved.

Any conciliation agreement entered into by the Commission and a person involved in a violation shall constitute a complete bar to any further action by the Commission, unless the person involved violates the conciliation agreement.

Subsection (a)(5) also provides that the Commission may institute a civil action for relief if the Commission is unable to correct or prevent a violation by informal methods and if the Commission determines there is probable cause to believe that the violation has occurred or is about to occur. The relief sought in any civil action may include a permanent or temporary injunction, restraining order, or any other appropriate order, including a civil penalty which does not exceed the greater of $5,000 or an amount equal to the amount of any contribution or expenditure involved in the violation. The civil action may be brought in the district court of the United States for the district in which the person against whom the action is brought is found, resides, or transacts business.

The court involved shall grant the relief sought by the Commission in a civil action brought by the Commission upon a proper showing that the person involved has engaged or is about to engage in a violation of the Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Subsection (a)(5) also permits the Commission to refer an apparent violation to the

Attorney General of the United States if the Commission determines that there is probable cause to believe that a knowing and willful violation subject to and as defined in section 328 of the Act has occurred or is about to occur. In order for such a referral to be made, the violation or violations must involve the making, receiving, or reporting of any contribution or expenditure having a value, in the aggregate, of $1,000 or more during a calendar year. The Commission is not required to engage in any informal conciliation efforts before making any such referral.

Subsection (a)(6) permits the Commission to include a civil penalty in a conciliation agreement if the Commission believes that there is clear and convincing proof that a knowing and willful violation of the Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 has occurred. The civil penalty may not exceed the greater of (1) $10,000; or (2) an amount equal to 200 percent of the amount of any contribution or expenditure involved in the violation. If the Commission believes that a violation has occurred which is not a knowing and willful violation, the conciliation agreement may require the person involved to pay a civil penalty which does not exceed the greater of (1) $5,000; or (2) an amount equal to the amount of the contribution or expenditure involved in the violation.

Subsection (a)(6) also requires the Commission to make available to the public (1) the results of any conciliation efforts made by the Commission, including any conciliation agreement entered into by the Commission; and (2) any determination by the Commission that a person has not committed a violation of the Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Subsection (a)(7) permits a court to impose a civil penalty greater than that permitted by subsection (a)(5) in any civil action for relief brought by the Commission if the court determines that there is clear and convincing proof that a person has committed a knowing and willful violation of the Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954. The civil penalty may not exceed the greater of (1) $10,000; or (2) an amount equal to 200 percent of the contribution or expenditure involved in the violation.

In any case in which a person against whom the court imposes a civil penalty has entered into a conciliation agreement with the Commission, the Commission may bring a civil action if it believes that the person has violated the conciliation agreement. The Commission may obtain relief if it establishes that the person has violated, in whole or in part, any requirement of the conciliation agreement.

Subsection (a)(8) provides that subpenas for witnesses in civil actions in any United States district court may run into any other district.

Subsection (a)(9) permits any party to file a petition with the United States District Court for the District of Columbia if the party is aggrieved by an order of the Commission dismissing a complaint filed by the party or by a failure on the part of the Commission to act on the complaint within 90 days after the complaint is filed. The petition must be filed (1) in the case of a dismissal by the Commission, no later than 60 days after the dismissal; or (2) in the case of a failure on the part of the Commission to act on the complaint, no later than 60 days after the initial 90-day period.

The court may declare that the dismissal or failure to act is contrary to law and may direct the Commission to take any action consistent with the declaration no later than 30 days after the court makes the declaration. If the Commission fails to act during the 30-day period, the party who filed the original complaint may bring in his own name a civil action to remedy the violation involved.

Subsection (a)(10) provides that any judgment of a district court may be appealed to the court of appeals. Any judgment of a court of appeals which affirms or sets aside, in whole or in part, any order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

Subsection (a)(11) provides that any action brought under subsection (a) shall be advanced on the docket of the court involved and put ahead of all other actions, other than actions brought under subsection (a) or under section 314.

Subsection (a)(12) permits the Commission to petition a court for an order to adjudicate a person in civil contempt if the Commission determines after an investigation that the person has violated an order of the court entered in a proceeding brought under subsection (a)(5). If the Commission believes that the violation is a knowing and willful violation, the Commission may petition the court for an order to adjudicate the person in criminal contempt.

Section 313(b) requires the Attorney General to report to the Commission regarding apparent violations referred to the Attorney General by the Commission. The reports must be transmitted to the Commission no later than 60 days after the date of the referral, and at the close of every 30-day period thereafter until there is final disposition. The Commission may from time to time prepare and publish reports relating to the status of such referrals.

Section 313(c) imposes a penalty against any member of the Commission, any employee of the Commission, or any other person who reveals the identity of any person under investigation in violation of section 313(a)(3)(B). Any such member, employee, or other person is subject to a fine of not more than $2,000 for any such violation. If the violation is knowing and willful the maximum fine is $5,000.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The conference substitute provides that the Commission may investigate a violation only if it receives a properly verified complaint and it has reason to believe a violation has occurred, or if the Commission, based on information obtained in the normal course of carrying out its duties under the Act, has reason to believe a violation has occurred. The conferees agree that any person, including a member or employee of the Commission, may file a verified complaint, and agree also that the Commission may not react solely to an anonymous source for the purpose of instituting an investigation of an alleged violation of the Act or of chapter 95 or 96 of the Internal Revenue Code of 1954.

2. The conference substitute follows the Senate bill with respect to affording a person against whom a complaint has been made an opportunity to show that no action should be taken.

3. The conferees agree that if the Commission reaches an agreement with any person regarding an alleged violation, such agreement should be made available to the public immediately so that the 30-day conciliation period, otherwise required by the Act, is immediately terminated.

4. The conference substitute makes the referral procedures for knowing and willful violations applicable to violations of chapters 95 and 96 of the Internal Revenue Code of 1954.

5. The conferees agree that a conciliation agreement shall be a complete bar to any further action by the Commission only with respect to any violation which is a subject of the conciliation agreement.

6. The conferees' intent is that a violation within the meaning of section 313(c) occurs when publicity is given to a pending investigation, but does not occur when actions taken in carrying out an investigation lead to public awareness of the investigation.

CONVERSION OF CONTRIBUTIONS TO PERSONAL USE

Senate bill

Section 107A of the Senate bill amended section 317 of the Act to provide that excess contributions received by a candidate, and amounts contributed to an individual to support his activities as a Federal office holder, which, under existing law, may be used for certain purposes, may not be converted to any personal use.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the House amendment, resulting in no change in existing law.

DUTIES OF COMMISSION

Senate bill

Section 108(a) of the Senate bill amended section 315(a)(6) of the Act to require the Commission to maintain a separate cumulative index of multicandidate political committee reports and statements to enable the public to determine which political committees are qualified to make $5,000 contributions to candidates or their authorized committees.

Section 108(b) amended present law to provide for a 15-legislative-day or 30-calendar-day period, whichever is later, during which a proposed rule or regulation must be disapproved, as set forth in 2 U.S.C. 438(c)(2).

House amendment

Section 110(a)(1) amended section 315(a)(6) of the Act, as so redesignated by section 105 of the House amendment, to require the Commission to compile and maintain a separate cumulative index of reports and statements filed by the political committees supporting more than one candidate. The index must include a listing of the date of registration of such political committees and the date upon which such political committees qualify to make expenditures under section 320(a)(2) of the Act. The Commission was required to revise the index on the same basis and at the same time as other cumulative indices required under section 315(a)(6).

Section 110(a)(2) amended section 315(a)(8) of the Act to require the Commission to give priority to auditing and conducting field investigations requiring the verification for, and the receipt and use of, any payments received by a candidate under chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Section 110(b) amended section 315(c)(2) of the Act to provide that the Congress may disapprove proposed rules and regulations of the Commission in whole or in part. The amendment also provided that, whenever a committee of the House of Representatives reports any resolution relating to a proposed rule or regulation of the Commission, it is in order at any time (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. Although the motion to proceed to the consideration of the resolution is not debatable, debate may be conducted with respect to the contents of the resolution.

Section 110(c) amended section 315 of the Act by adding a new subsection (e). Subsection (e) provides that, in any civil or criminal proceeding to enforce the Act or chap-

ter 95 or chapter 96 of the Internal Revenue Code of 1954, no rule, regulation, guideline, advisory opinion, opinion of counsel, or any other pronouncement by the Commission or by any member, officer, or employee of the Commission may be used against the person against whom the proceeding is brought. No such rule, regulation, guideline, advisory opinion, opinion of counsel, or other pronouncement (1) shall have the force of law; (2) may be used to create any presumption of violation or of criminal intent; (3) shall be admissible in evidence against the person involved; or (4) may be used in any other manner. The provisions of subsection (e) do not apply to any rule or regulation of the Commission which takes effect under section 315(c).

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The conference substitute provides that, for purposes of reviewing regulations proposed by the Commission, the Congress may disapprove any provision or series of interrelated provisions which states a single separable rule of law.

The conferees agree that this provision does not give the Congress the power to revise proposed regulations by disapproving a particular word, phrase, or sentence, but only gives each House of the Congress the power to determine which proposed regulations of the Commission constitute distinct regulations which can only be disapproved in whole. This provision is intended to permit disapproval of discrete self-contained sections or subdivisions of proposed regulations and is not intended to permit the rewriting of regulations by piecemeal changes.

2. The conference substitute does not include the provision in the House amendment which makes rules, regulations, guidelines, advisory opinions, opinions of counsel, and other Commission pronouncements inapplicable in any civil or criminal proceeding, thereby resulting in no change in existing law.

ADDITIONAL ENFORCEMENT AUTHORITY

Senate bill

Section 109 of the Senate bill repealed section 407 of the Act, relating to additional enforcement authority.

House amendment

Section 111 amended section 407(a) of the Act to establish conciliation procedures regarding the enforcement of section 407. The amendment provided that, if a candidate for Federal office fails to file a report required by title III of the Act, the Commission shall (1) make every effort for a period of not less than 30 days to correct the failure by informal methods of conference, conciliation, and persuasion; or (2) in the case of any failure to file which occurs less than 45 days before the date of an election, make every effort to correct the failure by informal methods for a period of not less than one-half the number of days between the date of the failure and the date of the election.

Conference substitute

The conference substitute is the same as the Senate bill.

MASS MAILINGS AS FRANKED MAIL

Senate bill

Section 110 of the Senate bill amended section 318 of the Act, as redesignated by section 105 of the Senate bill, to provide that Members of the Congress are prohibited from mailing as franked mail any general mass mailing less than 60 days before an election. The term "general mass mailing" was defined to mean newsletters and similar mailings of more than 500 pieces with similar content mailed at the same time or different times.

Section 501 of the Senate bill amended section 3210(a)(5)(D) of title 39, United States Code, to change the 28-day provision relating to franked mass mailings before an election to 60 days.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the House amendment, resulting in no change in existing law.

CONTRIBUTION AND EXPENDITURE LIMITATIONS; OTHER PROHIBITIONS; PENALTIES

A. Limitations on contributions and expenditures

Senate bill

Section 110 of the Senate bill added a new section 320 to the Act relating to limitations on contributions and expenditures. The text of this section is substantially similar to the provisions presently contained in section 608 of title 18, United States Code, which is transferred to the Act by this section, with some changes in the law to provide additional limitations on certain contributions by persons and by political committees.

(1) A person (as defined in the Act), including a political committee which does not qualify for the $5,000 contribution limit as a multicandidate political committee, may not contribute more than $1,000 per election to any candidate for Federal office. As under present law, earmarked contributions, and contributions made to a candidate's authorized political committees, are considered to be contributions to that candidate rather than contributions to that committee. A person also may not make contributions to any political committee established and maintained by a political party, which is not the authorized political committee of any candidate, which in the aggregate exceed $25,000 in a calendar year. A person is further prohibited from making contributions to any other political committee which in the aggregate exceed $5,000 in a calendar year.

(2) A political committee which has been registered as such for at least 6 months, which has received contributions from more than 50 persons, and which has made contributions to 5 or more candidates for Federal office, defined as a "multicandidate political committee", may contribute a total of $5,000 to a Federal candidate and his authorized political committee in any election campaign. A multicandidate political committee may not make contributions to any political committee established and maintained by a political party, which is not the authorized committee of any candidate, which in the aggregate exceed $25,000 in a calendar year. A multicandidate political committee is further prohibited from making contributions to any other political committee which in the aggregate exceed $10,000 in a calendar year. (The above limitations on contributions by multicandidate political committees do not apply to transfers between and among political committees which are National, State, district, or local committees of the same political party.)

(3) The section contains a provision establishing a rule which treats, for purposes of the foregoing limitations, as a single political committee, all political committees which are established, financed, maintained, or controlled by a single person or group of persons. This rule, however, does not apply to transfers of funds between political committees raised in joint fundraising efforts. It would also not apply so that contributions made by a political party through a single national committee and contributions by that party through a single State committee in each State are treated as having been made by a single political committee. The above rule, which is intended to curtail the vertical proliferation of political committee contributions, would not preclude, however, a political committee of a national organization from contributing to a candidate or committee merely because of its affiliation with a national multicandidate political committee which has made the maximum contribution it is permitted to make to a candidate or a committee.

(4) As in existing law, an individual may not make contributions totaling more than $25,000 during any calendar year.

(5) This section also establishes rules for determining when a contribution made to a political committee is considered to be a contribution to a candidate, and when certain expenditures shall be considered to be contributions to a candidate, and subject to the limitations of the Act.

(6) The remaining provisions of this section transfer into the Act those provisions of 18 U.S.C. 608 which imposed expenditure limitations on presidential candidates, conditioning their application, in accordance with the Supreme Court's decision in *Buckley* v. *Valeo*, upon the acceptance of public financing. The expenditure limitations on national and State committees of political parties in 18 U.S.C. 608(f) are also transferred into the Act.

(7) A final provision in new section 320 of the Act permits the Republican or Democratic Senatorial Campaign Committee, or the national committee of a political party, or any combination of such committees, notwithstanding any other provision of the Act, to contribute amounts totaling not more than $20,000 to a candidate for nomination for election, or for election, to the United States Senate during the year in which an election is held in which he is such a candidate.

House amendment

Section 112(a) amended title III of the Act by striking out section 320, as so redesignated by section 105 of the House amendment, and by adding new sections 320 through 328.

Section 320(a)(1) prohibits any person from making contributions (1) to any candidate in connection with any election for Federal office which, in the aggregate, exceed $1,000; or (2) to any political committee in any calendar year which exceed, in the aggregate, $1,000.

Subsection (a)(2) prohibits any political committee (other than a principal campaign committee) from making contributions to (1) any candidate in connection with any election for Federal office which, in the aggregate, exceed $5,000; or (2) any political committee in any calendar year which, in the aggregate, exceed $5,000. Contributions by the national committee of a political party serving as the principal campaign committee of a presidential candidate may not exceed the limitation described in the preceding sentence with respect to any other candidate for Federal office.

The term "political committee" was defined to mean an organization which (1) is registered as a political committee under section 303 of the Act for a period of not less than 6 months; (2) has received contributions from more than 50 persons; and (3) except for any State political party organization, has made contributions to 5 or more candidates for Federal office.

Subsection (a)(2) also provides that, for purposes of the limitations provided by subsection (a)(1) and subsection (a)(2), all contributions made by political committees which are established, financed, maintained, or controlled by any corporation, labor organization, or any other person (including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person), or by any group of such persons, shall be considered to have been made by a single political committee, except that (1) the amendment made by the House amendment does not limit transfers between political committees of funds raised through joint fundraising efforts; and (2) for purposes of the limitations provided by subsection (a)(1) and subsec-

tion (a)(2), all contributions made by a single political committee which is established, financed, maintained, or controlled by a national committee of a political party and by a single political committee established, financed, maintained, or controlled by the State committee of a political party, shall not be considered to have been made by a single political committee.

Subsection (a)(2) also provides that, in any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish, finance, maintain, or control more than one separate segregated fund, all such funds shall be treated as a single separate segregated fund for purposes of the limitations provided by subsection (a)(1) and subsection (a)(2).

Subsection (a)(3) prohibits any individual from making contributions which, in the aggregate, exceed $25,000 in any calendar year. Any contribution which is made to a candidate in a year other than the calendar year in which the election involved is held, is considered to be made during the calendar year in which the election is held.

Subsection (a)(4) provides that (1) any contribution to a named candidate which is made to any political committee authorized by the candidate to accept contributions on behalf of the candidate shall be considered to be contributions made to the candidate; (2) any expenditure which is made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate or any authorized political committee or agent of the candidate shall be considered to be a contribution to the candidate; (3) any expenditure to finance publication of any campaign broadcast or any other campaign materials prepared by a candidate or any authorized political committee or agency of the candidate shall be considered to be a contribution to that candidate; and (4) contributions made to a vice presidential nominee shall be considered to be contributions to the presidential nominee of the party involved.

Subsection (a)(5) provides that the contribution limitations established by subsection (a)(1) and subsection (a)(2) shall apply separately to each election, except that all elections in any calendar year for the office of President (except a general election for such office) shall be considered to be one election.

Subsection (a)(6) provides that all contributions made by a person on behalf of a particular candidate, including contributions which are earmarked or directed through an intermediary or conduit to such candidate, shall be treated as contributions from the person involved to the candidate. The intermediary or conduit is required to report the original source of the contribution and the intended recipient of the contribution to the Commission and to report the original source of the contribution to the intended recipient. This provision is identical to existing law.

Section 320(b)(1) prohibits any candidate for the office of President who has established his eligibility to receive payments under section 9003 of the Internal Revenue Code of 1954 or under section 9033 of the Internal Revenue Code of 1954 from making expenditures in excess of (1) $10,000,000, in the case of a campaign for nomination for election to the office of President; or (2) $20,000,000 in the case of a campaign for election to the office of President. In the case of campaigns for nomination, the aggregate of expenditures in any one State may not exceed twice the greater of (1) 8 cents multiplied by the voting age population of the State; or (2) $100,000.

Subsection (b)(2) provides that (1) expenditures made by a vice-presidential nominee shall be considered to be expenditures made by the presidential nominee of the same political party; and (2) an expenditure is made on behalf of a candidate if it is made by (A) a committee or agent of the candidate authorized to make expenditures; or (B) any person authorized or requested by the candidate or an authorized committee or agent of the candidate to make the expenditure involved.

Section 320(c)(1) provides that, at the beginning of each calendar year (beginning in 1976), as there become available necessary data from the Bureau of Labor Statistics, the Secretary of Labor shall certify to the Commission the percentage difference between the price index from the 12-month period preceding the calendar year and the price index for the base period. The term "price index" is defined to mean the average over a calendar year of the Consumer Price Index (all items—United States city average), and the term "base period" is defined to mean the calendar year 1974. Each limitation established by section 320(b) and section 320(d) shall be increased by such percentage difference.

Section 320(d)(1) provides that the national committee of a political party and a State committee of a political party, including any subordinate committee of a State committee may make expenditures in connection with the general election campaign of candidates for Federal office.

Subsection (d)(2) provides that the national committee of a political party may not make expenditures in connection with the general election campaign of a candidate for the office of President which exceed an amount equal to 2 cents multiplied by the voting age population of the United States. Any expenditures under subsection (d)(2) are considered as an addition to expenditures by a national committee of a political party which is serving as the principal campaign committee of a candidate for the office of President.

Subsection (d)(3) provides that the national committee of a political party and that the State committee of a political party, including any subordinate committee of a State committee, may each make expenditures in connection with the general election campaign of a candidate for Federal office in any State which do not exceed (1) in the case of candidates for election to the office of Senator (or of Representative from a State which is entitled to only one Representative), the greater of (A) 2 cents multiplied by the voting age population of the State; or (B) $20,000; and (2) in the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other State, $10,000.

Section 320(e) requires the Secretary of Commerce, during the first week of January 1975, and each subsequent year, to certify to the Commission and publish in the Federal Register an estimate of the voting age population of the United States, of each State, and of each congressional district, as of the first day of July next preceding the date of certification. The term "voting age population" was defined to mean resident population, 18 years of age or older.

Section 320(f) prohibits candidates and political committees from knowingly accepting any contribution or knowingly making any expenditure in violation of section 320. Subsection (f) also prohibits any officer or employee of a political committee from knowingly accepting a contribution made to a candidate, or knowingly making an expenditure on behalf of a candidate in violation of section 320.

Section 320(g) requires the Commission to prescribe rules under which expenditures by a candidate for presidential nomination for use in 2 or more States shall be attributed to the expenditure limits of such candidate in each State involved. The attribution shall be based on the voting age population in each State which can reasonably be expected to be influenced by the expenditures.

Conference substitute

The conference substitute is the same as the Senate bill with regard to limitations on contributions by any person and by any multicandidate political committee, except as follows:

1. Each person may contribute not more than $20,000 in a calendar year to the political committees established and maintained by a national political party and which are not authorized political committees of candidates.

2. A multicandidate political committee may contribute only $15,000 in a calendar year to the political committees established and maintained by a national political party (other than authorized candidates' committees) and $5,000 in a calendar year to any other political committee.

The conferees' decision to impose more precisely defined limitations on the amount an individual may contribute to a political committee, other than a candidate's committees, and to impose new limits on the amount a person or a multicandidate committee may contribute to a political committee, other than candidates' committees, is predicated on the following considerations: first, these limits restrict the opportunity to circumvent the $1,000 and $5,000 limits on contributions to a candidate; second, these limits serve to assure that candidates' reports reveal the root source of the contributions the candidate has received; and third, these limitations minimize the adverse impact on the statutory scheme caused by political committees that appear to be separate entities pursuing their own ends, but are actually a means for advancing a candidate's campaign. The conferees also determined that it is appropriate to set a higher limit on contributions from persons to political committees of national political parties in order to allow the political parties to fulfill their unique role in the political process. In this connection, the term "political committee established or maintained by a national political party" includes the Senate and House Campaign Committees.

The conferees also agree that the same limitations on contributions that apply to a candidate shall also apply to a committee making expenditures solely on behalf of such candidate.

The conference substitute is the same as the provision of the House amendment which states that segregated funds established or controlled by a corporation and its subsidiaries or by a labor organization and its local organizations are considered to be one segregated fund.

The anti-proliferation rules established by the conference substitute are intended to prevent corporations, labor organizations, or other persons or groups of persons from evading the contribution limits of the conference substitute. Such rules are described as follows:

1. All of the political committees set up by a single corporation and its subsidiaries are treated as a single political committee.

2. All of the political committees set up by a single international union and its local unions are treated as a single political committee.

3. All of the political committees set up by the AFL–CIO and all its State and local central bodies are treated as a single political committee.

4. All the political committees established by the Chamber of Commerce and its State

and local Chambers are treated as a single political committee.

5. The anti-proliferation rules stated also apply in the case of multiple committees established by a group of persons.

These anti-proliferation rules, however, permit political committees which solicit contributions in their joint names, and on the understanding that the money collected through that joint fundraising effort will be divided among the participating committees, to make such a division. In addition, for the purpose of these rules, contributions to a candidate or to a political committee by the political committees of a national committee of a political party or by the political committees of a State committee of a political party are treated separately and are not regarded as contributions by one committee.

The conference substitute provides that the limitations on contributions under section 320 do not limit transfer of funds between the principal campaign committee of a candidate for nomination or election to a Federal office and the principal campaign committee of the same candidate for nomination or election to another Federal office if the transfer is not made when the candidate is actively seeking nomination or election to both such offices, the transfer would not result in a violation, for any person who has contributed to both such committees, of the limitations on contributions by a person to such a principal campaign committee, and the candidate has not accepted any public campaign financing funds.

The conference substitute is the same as the House amendment with regard to applying contribution limitations to each separate election.

The conference substitute is the same as the House amendment and the Senate bill with regard to an overall limitation of $25,000 on contributions by an individual in a calendar year and with regard to defining "contribution".

This definition distinguishes between independent expressions of an individual's views and the use of an individual's resources to aid a candidate in a manner indistinguishable in substance from the direct payment of cash to a candidate.

The conference substitute is the same as the House amendment and the Senate bill with regard to contributions made through intermediaries.

The conference substitute is the same as the House amendment and the Senate bill regarding limitations on expenditures by a candidate who is eligible to receive public campaign financing funds, except that the conference substitute uses the language of the Senate bill with regard to the eligibility requirement.

The conference substitute is the same as the House amendment and the Senate bill with regard to political party expenditures on behalf of the party's candidates. This limited permission allows the political parties to make contributions in kind by spending money for certain functions to aid the individual candidates who represent the party during the election process. Thus, but for this subsection, these expenditures would be covered by the contribution limitations stated in subsections (a)(1) and (a)(2) of this provision.

The conference substitute is the same as the Senate bill with regard to contributions by the Republican or Democratic senatorial campaign committee, except that the amount of such contributions is limited to $17.500 per candidate.

It is the conferees' intent that the additional calendar year contribution limitations imposed by section 320 of the Act shall apply in the first instance to the period beginning on the date of the enactment of the conference substitute and extending through December 31, 1976. Thereafter, of course, the term "calendar year" will be accorded its normal meaning.

B. Contributions or expenditures by national banks, corporations, or labor organizations

Senate bill

Section 610 of title 18, United States Code, prohibiting contributions by corporations and labor organizations, was transferred by the Senate bill from title 18 to the Act as new section 321 of the Act. The following changes from existing law are noted:

(1) The penalty provisions are removed from the section and replaced by a general penalty provision contained in a new section 328 of the Act which includes a separate provision making it a felony to violate the anti-coercion provisions of this section. Violations of this section would also be subject to the civil enforcement powers of the Commission and the courts under the Senate bill.

(2) Corporations are prohibited from soliciting contributions from persons who are not stockholders, executive or administrative personnel, or the families of such persons, and labor organizations are prohibited from soliciting contributions from persons other than members of the organization and their families. The term "executive or administrative personnel" is defined as individuals who are paid by salary rather than on an hourly basis, and who have policymaking or supervisory responsibilities. The term "stockholder" is defined to include any individual who has a legal, vested, or beneficial interest in stock, including, but not limited to, employees of a corporation who participate in a stock bonus, stock option, or employee stock ownership plan.

(3) Corporations, labor organizations, or separate segregated funds of such corporation or labor organization may in addition to (2) above, make 2 written solicitations for contributions during a calendar year from any stockholder, officer, or employee of a corporation or the families of such persons. Such solicitations may be made only by mail to such person's residence and designed so that the corporation, labor organization, or separate segregated fund conducting such solicitation cannot determine who makes a contribution as a result of such solicitation and who does not

(4) A membership organization, cooperative, or corporation without capital stock or a separate segregated fund established by such organizations may solicit contributions to such a fund from members of such organization, cooperative, or corporation without capital stock.

(5) Any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund permitted to corporations shall also be permitted to labor organizations.

(6) A corporation which uses any particular method for soliciting or facilitating the making of voluntary contributions to a separate segregated fund is required to make that method available to a labor organization representing employees of that corporation upon written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby.

House amendment

Section 321(a) of the Act, as added by the House amendment, makes it unlawful for any national bank or any Federal corporation to make any contribution or expenditure in connection with (1) any election to any political office; or (2) any primary election or political convention or caucus held to select candidates for any political office. Subsection (a) also prohibits any corporation or labor organization from making a contribution or expenditure in connection with (1) any general election for Federal office; or (2) any primary election or political convention or caucus held to select candidates for any Federal office.

Subsection (a) also prohibits any candidate, political committee, or other person from knowingly accepting or receiving any contribution which is prohibited by section 321. It is also unlawful for any officer or director of a corporation or national bank, or any officer of a labor organization, to consent to any contribution or expenditure which is prohibited by section 321.

Section 321(b)(1) defines the term "labor organization" to mean any organization or any agency or employee representation committee or plan in which employees participate and which exists for the purpose of dealing with employers regarding grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Subsection (b)(2) defines the term "contribution or expenditure" to include any payment or other distribution of money, services, or anything of value (except a lawful loan by a national or State bank in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any Federal office.

Such term, however, does not include—

(1) communications on any subject by a corporation to its stockholders and executive officers and their families, or by a labor organization to its members and their families;

(2) nonpartisan registration and voting campaigns conducted by a corporation with respect to its stockholders and its executive officers and their families, or by a labor organization with respect to its members and their families; and

(3) the establishment, administration, and solicitation of contributions to a separate segregated fund to be used for political purposes by a corporation or labor organization, except that—

(A) it is unlawful for such a fund to make a contribution or expenditure through the use of money or anything of value secured by (i) physical force; (ii) job discrimination; (iii) financial reprisal; (iv) the threat of force, job discrimination, or financial reprisals; (v) dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment; or (vi) moneys obtained in any commercial transaction;

(B) it is unlawful for a corporation or a separate segregated fund established by a corporation to solicit contributions from any person other than stockholders and executive officers of such corporation and their families, for an incorporated trade association or a separate segregated fund established by such an association to solicit contributions from any person other than the stockholders and executive officers of the member corporations of such trade association and the families of stockholders and executive officers (to the extent that any such solicitation has been separately and specifically approved by the member corporation involved, and such member corporation has not approved any such solicitation by more than one such trade association in any calendar year), or for a labor organization or a seprate segregated fund established by a labor organization to solicit contributions from any person other than the members of the labor organization and their families;

(C) any method of soliciting voluntary contributions, or of facilitating the making of voluntary contributions, to a separate segregated fund established by a corporation which may be used by a corporation also may be used by labor organizations; and

(D) a corporation which uses a method of soliciting voluntary contributions or facilitating the making of voluntary contributions shall make such method available to a labor organization representing any members who work for the corporation, upon written request by the labor organization.

The House amendment was intended to acknowledge the use by corporations of various methods, such as check-off systems, to

solicit voluntary contributions or to facilitate the making of such contributions to separate segregated political funds. If a corporation uses such a method, the House amendment extended the same right to labor organizations. The House amendment, however, also would permit a corporation to allow a labor organization to use a method even though the corporation has chosen not to use such method. The House amendment also intended to authorize such methods notwithstanding any other provision of law.

In any instance in which a corporation uses a method (such as the use of computer data) to solicit voluntary contributions or to facilitate the making of contributions to separate segregated political funds, the House amendment also was intended to require that the corporation make such method available to a labor organization if the labor organization represents members who work for the corporation, and the labor organization makes a written request for the use of the method involved. The labor organization would be required to reimburse the corporation for any expense incurred in connection with the use of the method by the labor organization.

Subsection (b)(3) defines the term "executive officer" to mean an individual employed by a corporation who is paid on a salary rather than an hourly basis and who has policymaking or supervisory responsibilities.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The conference substitute follows the Senate bill in applying the definition of the term "contribution or expenditure" contained in section 321 to section 791(h) of the Public Utility Holding Company Act.

2. The conference substitute follows the Senate bill in using the term "executive or administrative personnel" throughout section 321 rather than "executive officer". The conference substitute defines that term to mean an employee who is paid on a salary, rather than hourly, basis and who has policymaking, managerial, professional, or supervisory responsibilities. The term "executive or administrative personnel" is intended to include the individuals who run the corporation's business, such as officers, other executives, and plant, division, and section managers, as well a individuals following the recognized professions, such as lawyers and engineers, who have not chosen to separate themselves from management by choosing a bargaining representative; but is not intended to include professionals who are members of a labor organization, or foremen who have direct supervision over hourly employees, or other lower level supervisors such as "strawbosses".

3. The conference substitute follows the Senate bill in requiring that when a corporation solicits its executive and administrative personnel as permitted by subsection (b)(4)(B), for a contribution to a separate segregated fund, the employee being solicited must be informed at the time of the solicitation of the political purposes of the fund and that he may refuse to contribute.

4. The conference substitute follows the Senate bill in permitting under certain circumstances written solicitations by corporations and labor organizations of stockholders, executive or administrative personnel, members of labor organizations, and other employees (and their families) of a corporation. It is the conferees' intent that in order to assure the anonymity of those who do not wish to respond or who wish to respond with a small contribution the mail solicitations shall be conducted so that an independent third person, who acts as fiduciary for the separate segregated fund, receives the return envelopes, keeps the necessary records, and provides the fund only with information as to the identity of individuals who make a single contribution of over $50 or multiple contributions that aggregate more than $100. The conference substitute follows the House amendment with regard to the solicitation by a trade association of stockholders and executive or administrative personnel (and their families) of a member corporation of such trade association. The conference substitute contains the provision of the Senate bill permitting a membership organization, cooperative, or corporation without capital stock, or a separate segregated fund established by such organizations, to solicit contributions to such a fund from members of such organization, cooperative, or corporation without capital stock. In light of the fact that subsection (b)(4)(D) governs solicitations by a trade association of the stockholders and executive or administrative personnel of a member corporation, the term "membership organization" in subsection (b)(4)(C) is not intended to include a trade association which is made up of corporations.

The conferees' intent is also noted with regard to the following additional points:

1. Subparagraphs (B) and (C) of section 301(f)(4), and subparagraphs (A) and (B) of section 321(b)(2), which were added to the law at different times, overlap in that both make exceptions to the term "expenditure" for internal communications and for nonpartisan registration and get-out-the-vote activity. The dual reference to internal communications is intended to permit corporations to write, or call, or address their stockholders and executive or administrative personnel and their families (and unions to reach their members and their families in the same ways), to communicate a partisan or nonpartisan political message, subject only to the reporting requirement added by the conference substitute and already discussed. (The conferees agree that section 301(f)(4)(C), as amended by the conference substitute, makes reporting requirements applicable to certain communications which are not expenditures under this section but which expressly advocate the election or defeat of a clearly identified candidate.) The conferees' intent with regard to the interrelationship between sections 301(f)(4)(B) and 321(b)(2)(B) which permit such activities as assisting eligible voters to register and to get to the polls, so long as these services are made available without regard to the voter's political preference, is the following: these provisions should be read together to permit corporations both to take part in nonpartisan registration and get-out-the-vote activities that are not restricted to stockholders and executive or administrative personnel, if such activities are jointly sponsored by the corporation and an organization that does not endorse candidates and are conducted by that organization; and to permit corporations, on their own, to engage in such activities restricted to executive or administrative personnel and stockholders and their families. The same rule, of course, applies to labor organizations.

2. With regard to subparagraphs (B) and (C) of section 321(b)(3), which provide certain protections to employees solicited by their employer, it is intended that the general rule inherent in the plan of the entire section—that unions insofar as they are employers, stand in the same shoes as corporations—shall apply. In addition, while the conference substitute permits corporati ns in connection with an overall solicitation of stockholders to solicit employee-stockholders, such a solicitation would, of course, have to be in conformity with the requirements of subparagraphs (B) and (C) of section 321(b)(3). The same rule, of course, applies to labor organizations in the solicitation of their members.

3. The conferees agree that subsections (b)(4)(B) and (b)(6), taken together, require a corporation to make available to the labor organization any method utilized by such corporation to make the written solicitation of employees and of stockholders who are not employees. However, if the corporation does not desire to relinquish or disclose to the labor organization the names and addresses of individuals to be solicited, it is the conferees' intent that an independent mailing service shall be retained to make the mailing for both the corporation and the labor organization. Finally, it is intended that in a situation in which there are several labor organizations, rather than one, with members at a single corporation, the unions as a group shall have no greater right to make solicitations than a single union would. It is the conferees' intent that corporations and labor organizations are entitled to utilize such method solely for a mail solicitation for contributions to their separate segregated fund and not for any other purpose.

4. Subsection (b)(5), as opposed to (b)(6), merely eliminates any legal impediment to the use by a labor organization of any method permitted by law to a corporation with regard to the solicitation of its stockholders and executive or administrative personnel, or with regard to facilitating the making of contributions by stockholders and executive and administrative personnel, and does not automatically make such methods available to unions.

5. The conference substitute does not define the term "stockholder". It is intended that in this regard the normal concepts of corporate law shall be controlling.

C. Contributions by Government contractors

Senate bill

The prohibitions against contributions by government contractors contained in 18 U.S.C. 611 were transferred to the Act as new section 322, absent the existing penalty provisions, which are replaced by the penalty and enforcement provisions under new sections 313 and 328 of the Act. Each specific prohibition, allowance, and duty applicable to a corporation, labor organization, or separate segregated fund under section 321 is made applicable to a corporation, labor organization, or separate segregated fund to which section 322(b) applies.

House amendment

Section 322(a) of the Act, as added by the House amendment, makes it unlawful for any person who enters into certain contracts with the United States to make any contribution, or to promise to make any contribution, to any political party, committee, or candidate for public office, or to any person for any political purpose or use, or to solicit any such contribution from any such person. The prohibition applies during the period beginning on the date of the commencement of negotiations for the contract involved and ending on the later of (1) the completion of performance under the contract; or (2) the termination of negotiations for the contract.

The prohibition applies with respect to any contract with the United States or any department or agency of the United States for (1) the performance of personal services; (2) furnishing any materials, supplies, or equipment; or (3) selling any land or building. The prohibition, however, applies only if payment under the contract is to be made in whole or in part from funds appropriated by the Congress.

Section 322(b) provides that section 322 does not prohibit the operation of a separate segregated fund by a corporation or labor organization for the purpose of influencing the nomination for election, or election, of any person to Federal office, unless the pro-

visions of section 321 prohibit the operation of such fund.

Section 322(c) defines the term "labor organizations" by giving it the same meaning as in section 321.

Conference substitute

The conference substitute is the same as the Senate bill, except the conference substitute makes it clear that the provisions of section 322(c) of the Act, as added by the conference substitute, also apply to membership organizations, cooperatives, and corporations without capital stock.

D. Publication or distribution of political statements

Senate bill

Section 323 of the Act, as added by the Senate bill, provides that, whenever a person makes an expenditure to finance a communication which advocates the election or defeat of a clearly identified candidate through a broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or other type of general public political advertising, such communication (1) if authorized by a candidate or an authorized political committee or agent of a candidate, shall state that such communication has been so authorized; or (2) if not authorized by a candidate, or an authorized political committee or agent of a candidate, shall state (A) that the communication is not so authorized; and (B) the name of the person making or financing the expenditure for the communication, including (in the case of a political committee) the name of any affiliated organization as stated in section 303 (b) (2) of the Act.

House amendment

Section 323 of the Act, as added by the House amendment, provides that, whenever a person makes an expenditure to finance a communication which advocates the election or defeat of a clearly identified candidate through a broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or other type of general public political advertising, such communication (1) if authorized by a candidate or an authorized political committee or agent of a candidate, shall state that such communication has been so authorized; or (2) if not authorized by a candidate, or an authorized political committee or agent of a candidate, shall state (A) that the communication is not so authorized; and (B) the name of the person making or financing the expenditure for the communication, including (in the case of a political committee) the name of any affiliated organization as stated in section 303(b) (2) of the Act.

Conference substitute

The conference substitute is the same as the House amendment and the Senate bill.

E. Contributions by foreign nationals

Senate bill

Section 324(a) of the Act, as added by the Senate bill, makes it unlawful for a foreign national to make any contribution in connection with (1) any election to any political office; or (2) any primary election, convention, or caucus held to select candidates for any political office. It is also unlawful for any person to solicit, accept, or receive any such contribution from a foreign national.

Section 324(b) defines the term "foreign national" to mean (1) a foreign principal, as defined by section 1(b) of the Foreign Agents Registration Act of 1938, except that the term "foreign national" does not include any individual who is a citizen of the United States; or (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act.

Section 324 incorporates the provisions of 18 U.S.C. 613, replacing the criminal penalties under section 613 with the penalty and enforcement provisions under sections 313 and 328 of the Act, as added by the Senate bill.

House amendment

Section 324(a) of the Act, as added by the House amendment, makes it unlawful for a foreign national to make any contribution in connection with (1) any election to any political office; or (2) any primary election, convention, or caucus held to select candidates for any political office. It is also unlawful for any person to solicit, accept, or receive any such contribution from a foreign national.

Section 324(b) defines the term "foreign national" to mean (1) a foreign principal, as defined by section 1(b) of the Foreign Agents Registration Act of 1938, except that the term "foreign national" does not include any individual who is a citizen of the United States; or (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act.

Section 324 is the same as section 613 of title 18, United States Code, except that the penalties were omitted in order to conform with section 328 of the Act. The House amendment eliminated section 613 of title 18, United States Code.

Conference substitute

The conference substitute is the same as the House amendment and the Senate bill.

F. Prohibition of contributions in name of another

Senate bill

Section 325 of the Act, as added by the Senate bill, prohibits any person from (1) making a contribution in the name of another person; (2) knowingly permitting his name to be used to make such a contribution; and (3) knowingly accepting a contribution made by one person in the name of another person.

Section 325 incorporates the provisions of 18 U.S.C. 614, replacing the criminal penalties under section 614 with the penalty and enforcement provisions under sections 313 and 328 of the Act, as added by the Senate bill.

House amendment

Section 325 of the Act, as added by the House amendment, prohibits any person from (1) making a contribution in the name of another person; (2) knowingly permitting his name to be used to make such a contribution; and (3) knowingly accepting a contribution made by one person in the name of another person.

Section 325 is the same as section 614 of title 18, United States Code, except that the penalties were omitted in order to conform with section 328 of the Act. The House amendment eliminated section 614 of title 18, United States Code.

Conference substitute

The conference substitute is the same as the House amendment and the Senate bill.

G. Limitation on contributions of currency

Senate bill

Section 326 of the Act, as added by the Senate bill, incorporates the provisions of 18 U.S.C. 615 (relating to the prohibition of contributions in currency in excess of $100) replacing the criminal penalties contained in section 615 with the penalty and enforcement provisions under sections 313 and 328 of the Act, as added by the Senate bill.

House amendment

Section 326(a) of the Act, as added by the House amendment, prohibits any person from making contributions of currency of the United States or of any foreign country to any candidate which, in the aggregate, exceed $100, with respect to any campaign of the candidate for nomination for election, or for election, to Federal office.

Section 326(b) provides that any person who knowingly and willfully violates section 326 shall be fined in an amount which does not exceed the greater of $25,000 or 300 percent of the amount of the contribution involved, imprisoned for not more than 1 year, or both.

Conference substitute

The conference substitute is the same as the Senate bill.

H. Acceptance of excessive honorariums

Senate bill

The Senate bill eliminated provisions relating to the acceptance of excessive honorariums.

House amendment

Section 327 of the Act, as added by the House amendment, prohibits any person who is an elected or appointed officer or employee of any branch of the Federal Government from accepting (1) any honorarium of more than $1,000 (excluding amounts accepted for actual travel and subsistence expenses) for any appearance, speech, or article; or (2) honorariums aggregating more than $15,000 in any calendar year.

Section 327 is the same as section 616 of title 18, United States Code, except that the penalties were omitted in order to conform with section 328 of the Act. The House amendment eliminated section 616 of title 18, United States Code.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The limitation on an honorarium for any appearance, speech, or article is $2,000.

2. The limitation on the total amount of honorarium in any calendar year is $25,000.

3. The conference substitute provides that, in calculating the amount of an honorarium, actual travel and subsistence expenses for the spouse of the person involved, or an aide of such person, shall not be included. Any amount paid or incurred for agents' fees or commissions also shall not be included.

I. Fraudulent misrepresentation of campaign authority

Senate bill

Section 327 of the Act, as added by the Senate bill, incorporates the provisions of 18 U.S.C. 617 (relating to the prohibition of fraudulent misrepresentation of campaign authority), replacing the criminal penalties contained in section 617 with the penalty and enforcement provisions under sections 313 and 328 of the Act, as added by the Senate bill.

House amendment

Section 112(b) of the House amendment amended title III of the Act by adding a new section 316. Section 316 prohibits any candidate for Federal office, or any employee or agent of the candidate from (1) fraudulently misrepresenting himself (or any committee or organization under his control) as acting for or on behalf of any other candidate or political party regarding a matter which is damaging to such other candidate or political party; or (2) participating in, or conspiring to participate in, any plan to violate section 316.

Section 316 is substantially the same as section 617 of title 18, United States Code, except that the penalties were omitted in order to conform with section 328 of the Act. The House amendment eliminated section 617 of title 18, United States Code.

Conference substitute

The conference substitute is the same as the Senate bill.

J. Penalty for violations

Senate bill

Section 328 of the Act, as added by the Senate bill, provides that, upon enactment of the bill, a knowing and willful violation of the Act, as amended, which involves the making, receiving, or reporting of any contribution or expenditure having a value in the aggregate of $1,000 or more in any calendar year is punishable by a fine not in excess of $25,000 or 3 times the amount involved, whichever is greater, and imprisonment for not more than 1 year, or both the fine and imprisonment. In the case of a knowing and willful violation of section 325 or 326, the above penalties shall apply to a violation involving an amount having a value in the aggregate of $250 or more during a calendar year. In the case of a knowing and willful violation of section 327, the penalties of this section 328 shall apply without regard to whether the making, receiving, or reporting of a contribution of $1,000 or more was involved.

In addition, a willful and knowing violation of section 321(b)(2) of the Act, as added by the Senate bill (involving coercion or undue influence by corporations or labor organizations), is punishable by a fine of not more than $50,000, imprisonment for not more than 2 years, or both.

Section 328(b) provides that in any criminal action brought for a violation of a provision of the Act, as amended, or of the public financing provisions of the Internal Revenue Code that the defendant may introduce as evidence of his lack of knowledge or intent to commit the offense a conciliation agreement entered into with the Commission which is still in effect and being complied with. Such a conciliation agreement is also required to be taken into account in weighing the seriousness of the offense and in considering the seriousness of the penalty to be imposed if the defendant is found guilty.

House amendment

Section 328 of the Act, as added by the House amendment, provides that any person who knowingly and willfully violates any provision or provisions of the Act (other than section 326) which involves the making, receiving, or reporting of any contribution or expenditure having a value, in the aggregate of $1,000, or more during any calendar year shall be fined in an amount which does not exceed the greater of $25,000 or 300 percent of the amount of the contribution or expenditure involved, imprisoned for not more than 1 year, or both.

Conference substitute

The conference substitute is the same as the Senate bill, except that the penalty is the same for all knowing and willful violations of the Act and such penalty applies to a violation of section 321(b)(3) only if an amount of $250 or more in a calendar year is involved.

Savings provision relating to repealed provisions

Senate bill

Section 112 of the Senate bill provided that the repeal by the Senate bill of any section or penalty does not release or extinguish any penalty, forfeiture, or liability incurred under such penalty or section.

House amendment

Section 113 of the House amendment amended title III of the Act by adding a new section 329. Section 329 provides that the repeal by the House amendment of any provision or penalty shall not have the effect of releasing or extinguishing any penalty, forfeiture, or liability incurred under the provision or penalty. The provision or penalty shall be treated as remaining in force for the purpose of sustaining any action or prosecution for the enforcement of the penalty, forfeiture, or liability.

Conference substitute

The conference substitute is the same as the Senate bill.

Principal campaign committees

Senate bill

No provision.

House amendment

Section 114 of the House amendment amended section 302(f) of the Act to provide that, with respect to the designation of political committees as principal campaign committees, any occasional, isolated, or incidental support of a candidate shall not be construed as support of such candidate for purposes of section 302.

Conference substitute

The conference substitute is the same as the House amendment.

Authorization of appropriations

Senate bill

Section 111 of the Senate bill provided an authorization of $8,000,000 for fiscal year 1976, $2,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, and $8,000,000 for fiscal year 1977.

House amendment

No provision.

Conference substitute

The conference substitute provides an authorization of $6,000,000 for fiscal year 1976, $1,500,000 for the transition period, and $6,000,000 for fiscal year 1977.

Technical and conforming amendments

The Senate bill and the House amendment included various technical and conforming amendments to the Act. These amendments are incorporated in the conference substitute.

AMENDMENTS TO TITLE 18, UNITED STATES CODE

Repeal of certain provisions

Senater bill

Section 201(a) of the Senate bill amended chapter 29 of title 18, United States Code, by striking out section 608 (relating to limitations on contributions and expenditures), 610 (relating to contributions or expenditures by national banks, corporations, or labor organizations), 611 (relating to contributions by Government contractors), 612 (relating to publication or distribution of political statements), 613 (relating to contributions by foregin nationals), 614 (relating to prohibition of contributions in name of another), 615 (relating to limitations on contributions of currency), 616 (relating to acceptance of excessive honorariums), and 617 (relating to fraudulent misrepresentation of campaign authority).

Sectin 201(b) made conforming amendments to the table of sections for chapter 29 of title 18, United States Code.

House amendment

Section 201(a) of the House amendment amended chapter 29 of title 18, United States Code, by striking out section 608 (relating to limitations on contributions and expenditures), 610 (relating to contributions or expenditures by national banks, corporations, or labor organizations), 611 (relating to contributions by Government contractors), 612 (relating to publication or distribution of political statements), 613 (relating to contributions by foreign nationals), 614 (relating to prohibition of contributions in name of another), 615 (relating to limitations on contributions of currency), 616 (relating to acceptance of excessive honorariums), and 617 (relating to fraudulent misrepresentation of campaign authority).

Section 201(b) made conforming amendments to the table of sections for chapter 29 of title 18, United States Code.

Conference substitute

The conference substitute is the same as the House amendment and the Senate bill.

Changes in definitions

Senate bill

No provision.

House amendment

Section 202(a) of the House amendment made a conforming amendment to section 591 of title 18, United States Code, based upon the amendment made by section 201(a) of the House amendment.

Section 202(b) amended section 591(e)(4) of title 18, United States Code, to provide that the term "contribution" does not apply (1) in the case of any legal or accounting services rendered to the national committee of a political party, other than any such services attributable to any activity which directly furthers the election of any designated candidate to Federal office; or (2) in the case of any legal or accounting services rendered to a candidate or political committee solely for the purpose of ensuring compliance with the Act, chapter 29 of title 18, United States Code, or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Section 202(c) amended section 591(f)(4) of title 18, United States Code, to provide that the term "expenditure" does not include the payment, by any person other than a candidate or political committee, of compensation for legal or accounting services rendered (1) to the national committee of a political party, other than services attributable to activities which further the election of a designated candidate to Federal office; or (2) to a candidate or political committee solely for the purpose of ensuring compliance with the Act, chapter 29 of title 18, United States Code, or chapter 95 or chapter 96 of the Internal Revenue Code of 1954.

Conference substitute

The conference substitute is the same as the House amendment, except that the conference substitute includes a modified version of the provision of the Senate bill which provides that legal or accounting services are considered contributions if the person paying for the services is a person other than the "regular" employer of the individual rendering the services. The conference substitute includes this provision of the Senate bill with respect to the definition of the terms "contribution" and "expenditure" in section 301 of the Act and in section 591 of title 18, United States Code.

AMENDMENTS TO INTERNAL REVENUE CODE OF 1954

Entitlement of eligible candidates to payments

Senate bill

Section 301 of the Senate bill amended the public financing provisions of the Internal Revenue Code of 1954 by prohibiting a presidential candidate who accepts public funds from expending more than $50,000 from his own personal funds or the funds of his immediate family in connection with his campaign. The term "immediate family" was defined to mean a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such persons. Expenditures made by an individual after January 29, 1976, and before the date of enactment of the Senate bill shall not be taken into account in applying the limitation under such Code.

House amendment

Section 301 of the House amendment amended section 9004 of the Internal Revenue Code of 1954 by adding new subsections (d) and (e). Subsection (d) provides that, in order to be eligible to receive payments under section 9006, a candidate of a major, minor, or new party for election to the office of President must certify to the Commission that the candidate will not knowingly make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for election to the office of President, in excess of an aggregate amount of $50,000. Expenditures made by a vice presidential nominee shall be considered to be expenditures made by the presidential nominee of the same political party.

Subsection (e) defines the term "immediate family" to mean the spouse of a candidate, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

Section 306(a) amended section 9035 of the Internal Revenue Code of 1954 to provide that any candidate seeking Federal matching funds in connection with a campaign for nomination for election to the office of President may not knowingly make expenditures from this personal funds, or the personal funds of his immediate family, in connection with his campaign which exceed an aggregate amount of $50,000. Section 306(a) also amended section 9035 of the Internal Revenue Code of 1954 by adding a new subsection (b) which defines the term "immediate family" to mean the spouse of a candidate, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

Section 306(b) made a conforming amendment to the table of sections for chapter 96 of the Internal Revenue Code of 1954.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

1. The conference substitute follows the Senate bill with respect to the definition of the term "immediate family". The conference substitute does not in any way disturb the $1,000 contribution limit applicable to all individuals, including the immediate family of a candidate.

2. The conference substitute includes the provision of the Senate bill which states that expenditures made by an individual after January 29, 1976, and before the date of the enactment of the conference substitute, shall not be taken into account in applying the limitation regarding the expenditure of personal funds.

Deposits in Presidential election campaign fund

Senate bill

Section 302 of the bill amended section 9006 of the Internal Revenue Code of 1954 by striking out subsection (b). Subsection (b) provides that any moneys remaining in the Presidential Election Campaign Fund after a presidential election shall be transferred to the general fund of the Treasury.

House amendment

Section 302(a) of the House amendment amended section 9006 of the Internal Revenue Code of 1954 by striking out subsection (b). Subsection (b) provides that any moneys remaining in the Presidential Election Campaign Fund after a presidential election shall be transferred to the general fund of the Treasury.

Conference substitute

The conference substitute is the same as House amendment and the Senate bill.

Insufficient amounts in Presidential election campaign fund

Senate bill

No provision.

House amendment

Section 302(b) of the House amendment amended section 9006(c) of the Internal Revenue Code of 1954, as so redesignated by section 302(a) of the House amendment, to provide that, in any case in which the Secretary of the Treasury determines that there are not sufficient moneys in the Presidential Election Campaign Fund to make payments under section 9006(b), section 9008(b)(3), and section 9037(b) of the Internal Revenue Code of 1954, moneys shall not be made available from any other source for the purpose of making payments.

Conference substitute

The conference substitute is the same as the House amendment.

Provision of legal or accounting services

Senate bill

The Senate bill provided that payment for legal or accounting services shall not be treated as an expenditure by the national committee of a political party in connection with its presidential nominating convention unless the person paying for such services is a person other than the employer of the individual rendering the services.

House amendment

Section 303 of the House amendment amended section 9008(d) of the Internal Revenue Code of 1954 by adding a new paragraph (4). Paragraph (4) provides that any payment by a person other than the national committee of a political party of compensation to any person for legal or accounting services rendered to the national committee of a political party shall not be treated as an expenditure made by the national committee with respect to the presidential nominating convention of the political party involved.

Conference substitute

The conference substitute includes a modified version of the Senate bill which provides that legal or accounting services are considered contributions if the person paying for the services is a person other than the "regular" employer of the individual rendering the services.

Review of regulations

Senate bill

Section 303 of the bill amended the public financing provisions of the Internal Revenue Code of 1954 relating to congressional review of regulations promulgated under such provisions, to provide for a 15-legislative-day or 30-calendar-day period, whichever is later, during which a proposed rule or regulation can be disapproved.

House amendment

Section 304(a) of the House amendment amended section 9009(c)(2) of the Internal Revenue Code of 1954 to provide that the Congress may disapprove proposed rules and regulations of the Commission in whole or in part. The amendment also provided that, whenever a committee of the House of Representatives reports any resolution relating to a proposed rule or regulation of the Commission, it is in order at any time (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. Although the motion to proceed to the consideration of the resolution is not debatable, debate may be conducted with respect to the contents of the resolution.

Section 304(b) made an identical amendment to section 9039(c)(2) of the Internal Revenue Code of 1954.

Conference substitute

The conference substitute is the same as the House amendment, except as follows:

The conference substitute provides that, for the purposes of reviewing regulations proposed by the Commission, the Congress may disapprove any provision or series of interrelated provisions which states a single separable rule of law.

The conferees agree that this provision does not give the Congress the power to revise proposed regulations by disapproved a particular word, phrase, or sentence, but only gives each House of the Congress the power to determine which proposed regulations of the Commission constitute distinct regulations which can only be disapproved in whole. This provision is intended to permit disapproval of discrete self-contained sections or subdivisions of proposed regulations and is not intended to permit the rewriting of regulations by piecemeal changes.

Return of Federal funds

Senate bill

Section 306 of the Senate bill amended section 9037 of the Internal Revenue Code of 1954 to provide that a candidate receiving Federal matching funds in connection with his presidential primary campaign may not continue to receive matching funds if he fails to receive 10 percent or more of the votes cast in 2 consecutive primaries. The Senate bill provided that the eligibility of a candidate to receive matching funds may be reinstated if the candidate receives 20 percent or more of the votes cast in a presidential primary held after the candidate's payment were terminated.

The Senate bill provided that this provision would take effect on the date of the enactment of the Senate bill.

House amendment

Section 307(a)(1) of the House amendment amended section 9002(2) of the Internal Revenue Code of 1954 to provide that the term "candidate" does not include any individual who has ceased actively to seek election to the office of President or to the office of Vice President in more than one State.

Section 307(a)(2) amended section 9003 of the Internal Revenue Code of 1954 by adding a new subsection (d). Subsection (d) provides that, in any case in which an individual ceases to be a candidate for the office of President or Vice President as a result of the operation of the last sentence of section 9002(2) of the Internal Revenue Code of 1954 (which is added by the amendment made by section 307(a)(1) of the House amendment), such individual (1) shall no longer be eligible to receive any Federal payments; and (2) shall pay to the Secretary of the Treasury, as soon as practicable after the date upon which the individual ceases to be a candidate, an amount equal to the amount of payments received by the individual which are not used to defray qualified campaign expenses.

Section 307(b) made amendments to section 9032(2) of the Internal Revenue Code of 1954 and to section 9033 of such Code which are substantially similar to the amendments made by section 307(a). The amendments made by section 307(b) relate to the receipt of Federal matching payments in presidential primary elections.

Conference substitute

The conference substitute includes both the provisions of the House amendment and the Senate bill. The conference substitute provides that an individual who has ceased to be an active candidate, or an individual who is ineligible to receive payments because he has failed to receive at least 10 percent of the votes cast in 2 consecutive primaries, may continue to receive Federal payments only in order to defray qualified campaign expenses which were incurred while such individual was a candidate.

The conference substitute also provides that an individual who becomes ineligible to receive matching payments under section 9033(c)(1)(A) of the Internal Revenue Code

of 1954, as added by the conference substitute, subsequently may reestablish his eligibility to receive such payments. The Commission is given authority to determine that any such individual is a candidate upon a finding that such individual is actively seeking election to the office of President of the United States in more than one State. The Commission is required to make such determination without requiring such individual to resubmit written agreements under section 9033(a) of the Internal Revenue Code of 1954.

The conferees agree that the provision of the conference substitute relating to the ineligibility of inactive candidates to receive matching payments is intended to provide that a candidate will remain eligible for such payments only so long as he mantains a good faith, multistate campaign for nomination for election, or for election, to the office of President. A candidate should not be considered to be actively seeking nomination or election if he curtails his campaign activities to such an extent that it is reasonable to conclude that he no longer intends to engage in activity necessary to secure the nomination or win the election involved.

Technical and conforming amendments

The Senate bill and the House amendment made various technical and conforming amendments to the Internal Revenue Code of 1954. The conference substitute incorporates these technical and conforming amendments.

OTHER PROVISIONS

Commission to study Presidential nominating process

Senate bill

The Senate bill established a Bicentennial Commission on Presidential Nominations to review the manner in which presidential primary elections are conducted, and to report to the Congress its findings.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the House amendment resulting in no change in existing law.

Financial disclosure of Federal officers and employees

Senate bill

The Senate bill provided that any Federal officer or employee receiving compensation at a gross annual rate exceeding $25,000, and any candidate for Federal office, must file financial disclosure reports to the Comptroller General of the United States. The Senate bill provided that the financial disclosure statement must include (1) an indication of the net worth of the person making the filing; (2) a statement of the assets and liabilities of such person; and (3) a statement of income identifying each source of income (or a copy of such person's Federal income tax statement).

House amendment

No provision.

Conference substitute

The conference substitute is the same as the House amendment, resulting in no change in existing law.

WAYNE L. HAYS,
JOHN H. DENT,
JOHN BRADEMAS,
DAWSON MATHIS,
MENDEL J. DAVIS,
CHARLES E. WIGGINS,
Managers on the Part of the House.

HOWARD W. CANNON,
CLAIBORNE PELL,
ROBERT C. BYRD,
HUGH SCOTT,
MARK O. HATFIELD,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. PETTIS) to revise and extend their remarks and include extraneous matters:)

Mr. PEYSER, for 1 hour, on April 29.
Mr. JEFFORDS, for 30 minutes, today.
Mrs. HECKLER of Massachusetts, for 5 minutes, today.
Mr. BOB WILSON, for 5 minutes, today.
Mr. MILLER of Ohio, for 10 minutes today.

(The following Members (at the request of Mr. DODD) to revise and extend their remarks and include extraneous material:)

Mr. COTTER, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. RANGEL, for 5 minutes, today.
Mr. VANIK, for 10 minutes, today.
Mr. BINGHAM, for 5 minutes, today.
Mr. DODD, for 5 minutes, today.
Ms. ABZUG, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. PETTIS) and to include extraneous matter:)

Mr. FINDLEY.
Mr. DON H. CLAUSEN.
Mr. YOUNG of Alaska.
Mr. ANDERSON of Illinois in two instances.
Mr. WIGGINS.
Mr. WALSH.
Mr. VANDER JAGT in two instances.
Mr. MILLER of Ohio in four instances.
Mr. ABDNOR.
Mr. GILMAN in two instances.
Mr. HARSHA.
Mr. TAYLOR of Missouri in two instances.
Mr. SCHULZE.
Mr. ESCH.
Mr. MOORE.
Mr. DERWINSKI in two instances.
Mr. GRADISON.
Mr. SKUBITZ.

(The following Members (at the request of Mr. DODD), and to include extraneous matter:)

Mr. BURKE of Massachusetts in two instances.
Mr. CARR.
Mr. MOORHEAD of Pennsylvania in two instances.
Mrs. MINK.
Mr. FRASER.
Mr. GONZALEZ in three instances.
Mr. ANDERSON of California in three instances.
Mr. REES.
Mr. BAUCUS.
Mr. CARNEY in four instances.
Mr. KASTENMEIER.
Mr. SEIBERLING in 10 instances.
Mrs. SPELLMAN.
Mr. SOLARZ.
Mrs. MEYNER.
Mrs. SCHROEDER.
Mr. RUNNELS.
Mr. BONKER.
Mr. DENT in two instances.
Mr. EILBERG in five instances.
Mr. BEDELL.
Ms. JORDAN.
Mr. BYRON.
Mr. RUSSO in two instances.
Mr. MOAKLEY in two instances.
Mr. de LUGO.
Mr. BRODHEAD.
Mr. FISHER.
Mr. TEAGUE.
Mr. McDONALD of Georgia in four instances.
Mr. ALEXANDER.
Mr. LLOYD of California.
Mr. FLORIO.
Mr. VANIK.
Mr. BROWN of California in 10 instances.
Mr. STARK in 10 instances.
Mr. BRECKINRIDGE.
Mr. WRIGHT.
Mr. PATTEN.
Mr. LEHMAN.
Mr. YOUNG of Georgia.
Mr. RYAN.
Mrs. BURKE of California.
Mr. MATSUNAGA.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1526. An act to make additional funds available for purposes of certain public lands in northern Minnesota, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2004. An act to eliminate a restriction on use of certain lands patented to the city of Hobart, Kiowa County, Okla.; to the Committee on Interior and Insular Affairs.

S. 3295. An act to extend the authorization for annual contributions under the U.S. Housing Act of 1937, to extend certain housing programs under the National Housing Act, and for other purposes; to the Committee on Banking, Currency and Housing.

S. Con. Res. 112. Concurrent resolution relating to Fair Housing Month; to the Committee on Post Office and Civil Service.

ENROLLED BILL SIGNED

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 12226. An act to amend further the Peace Corps Act.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee did on April 27, 1976 present to the President, for his approval, a bill of the House of the following title:

H.R. 8235. An act to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

ADJOURNMENT

Mr. DODD. Mr. Speaker, I move that the House do now adjourn.